

EIGHTY-FIRST DAY - MAY 15, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 15, 2015

PRAYER

The prayer was offered by Senator Krist.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Murante who was excused; and Senators Cook, Hansen, Kolowski, Mello, Pansing Brooks, Scheer, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eightieth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 14, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

CP Strategies LLC
Nebraska Petroleum Producers Association

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

SELECT FILE

LEGISLATIVE BILL 268. ER85, found on page 1228, was adopted.

Senator McCoy asked unanimous consent to withdraw his amendment, AM722, found on page 760, and replace it with his substitute amendment, AM1286. No objections. So ordered.

AM1286

(Amendments to Standing Committee amendments, AM754)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. At a special election to be held in conjunction with the
- 4 statewide primary election in May 2016, the following proposed amendment
- 5 to the Constitution of Nebraska shall be submitted to the electors of the
- 6 State of Nebraska for approval or rejection:
- 7 To add a new section 26 to Article XV:
- 8 XV-26 Capital punishment shall be an available punishment for the
- 9 crime of first degree murder in this state. The Legislature shall carry
- 10 out the intent of this constitutional amendment by appropriate
- 11 legislation.
- 12 Sec. 2. The proposed amendment shall be submitted to the electors
- 13 in the manner prescribed by the Constitution of Nebraska, Article XVI,
- 14 section 1, with the following ballot language:
- 15 A constitutional amendment to make capital punishment an available
- 16 punishment for the crime of first degree murder in this state.
- 17 For
- 18 Against.

Senator Chambers offered the following motion:

MO119

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Chambers moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator McCoy requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 34:

Baker	Davis	Harr, B.	Larson	Schilz
Bolz	Ebke	Hilkemann	Lindstrom	Schumacher
Campbell	Garrett	Howard	McCollister	Seiler
Chambers	Gloor	Johnson	Mello	Smith
Coash	Haar, K.	Kolowski	Morfeld	Sullivan
Cook	Hadley	Kolterman	Nordquist	Williams
Crawford	Hansen	Krist	Pansing Brooks	

Voting in the negative, 14:

Bloomfield	Friesen	Kintner	Riepe	Stinner
Brasch	Groene	Kuehn	Scheer	Watermeier
Craighead	Hughes	McCoy	Schnoor	

Excused and not voting, 1:

Murante

The Chambers motion to invoke cloture prevailed with 34 ayes, 14 nays, and 1 excused and not voting.

The McCoy amendment, AM1286, lost with 18 ayes, 25 nays, 5 present and not voting, and 1 excused and not voting.

Senator McCoy requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 30:

Baker	Crawford	Hansen	Kolterman	Nordquist
Bolz	Davis	Harr, B.	Krist	Pansing Brooks
Campbell	Ebke	Hilkemann	Lindstrom	Schumacher
Chambers	Garrett	Howard	McCollister	Seiler
Coash	Haar, K.	Johnson	Mello	Sullivan
Cook	Hadley	Kolowski	Morfeld	Williams

Voting in the negative, 16:

Bloomfield	Gloor	Kuehn	Schnoor
Brasch	Groene	McCoy	Smith
Craighead	Hughes	Riepe	Stinner
Friesen	Kintner	Scheer	Watermeier

Present and not voting, 2:

Larson Schilz

Excused and not voting, 1:

Murante

Advanced to Enrollment and Review for Engrossment with 30 ayes, 16 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 623. Placed on Select File with amendment.
ER130

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 60-484.04, Revised Statutes Cumulative

4 Supplement, 2014, is amended to read:

5 60-484.04 (1) The Legislature finds and declares that section 202(c)

6 (2)(B)(i) through (ix) of the federal REAL ID Act of 2005, Public Law

7 109-13, enumerated categories of individuals who may demonstrate lawful
8 status for the purpose of eligibility for a federally secure motor
9 vehicle operator's license or state identification card. The Legislature
10 further finds and declares that it was the intent of the Legislature in
11 2011 to adopt the enumerated categories by the passage of Laws 2011, LB
12 215. The Legislature declares that the passage of this legislative bill
13 is for the limited purpose of reaffirming the original legislative intent
14 of Laws 2011, LB 215. Except as provided in section 60-4,144 with respect
15 to operators of commercial motor vehicles, before being issued any other
16 type of operator's license or a state identification card under the Motor
17 Vehicle Operator's License Act, the department shall require an applicant
18 to present valid documentary evidence that he or she has lawful status in
19 the United States as enumerated in section 202(c)(2)(B)(i) through (ix)
20 of the federal REAL ID Act of 2005, Public Law 109-13. Lawful status may
21 be shown by:
22 (a) A valid, unexpired United States passport;
23 (b) A certified copy of a birth certificate filed with a state
24 office of vital statistics or equivalent agency in the individual's state
25 of birth;
26 (c) A Consular Report of Birth Abroad (CRBA) issued by the United
27 States Department of State, Form FS-240, DS-1350, or FS-545;
1 (d) A valid, unexpired Permanent Resident Card (Form I-551) issued
2 by the United States Department of Homeland Security or United States
3 Citizenship and Immigration Services;
4 (e) An unexpired employment authorization document (EAD) issued by
5 the United States Department of Homeland Security, Form I-766 or Form
6 I-688B;
7 (f) An unexpired foreign passport with a valid, unexpired United
8 States visa affixed accompanied by the approved I-94 form documenting the
9 applicant's most recent admittance into the United States;
10 (g) A Certificate of Naturalization issued by the United States
11 Department of Homeland Security, Form N-550 or Form N-570;
12 (h) A Certificate of Citizenship, Form N-560 or Form N-561, issued
13 by the United States Department of Homeland Security;
14 (i) A driver's license or identification card issued in compliance
15 with the standards established by the REAL ID Act of 2005, Public Law
16 109-13, division B, section 1, 119 Stat. 302; or
17 (j) Such other documents as the director may approve.
18 (2)(a) If an applicant presents one of the documents listed under
19 subdivision (1)(a), (b), (c), (d), (g), or (h) of this section, the
20 verification of the applicant's identity in the manner prescribed in
21 section 60-484 will also provide satisfactory evidence of lawful status.
22 (b) If the applicant presents one of the identity documents listed
23 under subdivision (1)(e), (f), or (i) of this section, the verification
24 of the identity documents does not provide satisfactory evidence of
25 lawful status. The applicant must also present a second document from
26 subsection (1) of this section or documentation issued by the United
27 States Department of Homeland Security, the United States Citizenship and
28 Immigration Services, or other federal agencies, such as one of the types
29 of Form I-797 used by the United States Citizenship and Immigration
30 Services, demonstrating that the applicant has lawful status as
31 enumerated in section 202(c)(2)(B)(i) through (ix) of the federal REAL ID
1 Act of 2005, Public Law 109-13 lawful status as determined by the United
2 States Citizenship and Immigration Services.
3 (3) An applicant may present other documents as designated by the
4 director as proof of lawful status as enumerated in section 202(c)(2)(B)
5 (i) through (ix) of the federal REAL ID Act of 2005, Public Law 109-13.

6 Any documents accepted shall be recorded according to a written
 7 exceptions process established by the director.
 8 Sec. 2. Section 60-484.05, Revised Statutes Cumulative Supplement,
 9 2014, is amended to read:
 10 60-484.05 (1) The department shall only issue an operator's license
 11 or a state identification card that is temporary to any applicant who
 12 presents documentation under sections 60-484 and 60-484.04 that shows his
 13 or her authorized stay in the United States is temporary. An operator's
 14 license or a state identification card that is temporary shall be valid
 15 only during the period of time of the applicant's authorized stay in the
 16 United States or, if there is no definite end to the period of authorized
 17 stay, a period of one year.
 18 (2) An operator's license or state identification card that is
 19 temporary shall clearly indicate that it is temporary with a special
 20 notation on the front of the license or card and shall state the date on
 21 which it expires.
 22 (3) An operator's license or state identification card that is
 23 temporary may be renewed only upon presentation of valid documentary
 24 evidence that the status by which the applicant qualified for the
 25 operator's license or state identification card that is temporary has
 26 been extended by the United States Department of Homeland Security.
 27 (4) If an individual has an operator's license or a state
 28 identification card issued based on approved lawful status granted under
 29 section 202(c)(2)(B)(i) through (ix) of the federal REAL ID Act of 2005,
 30 Public Law 109-13, and the basis for the approved lawful status is
 31 terminated, the individual shall return the operator's license or state
 1 identification card to the Department of Motor Vehicles.
 2 Sec. 3. Original sections 60-484.04 and 60-484.05, Revised Statutes
 3 Cumulative Supplement, 2014, are repealed.
 4 Sec. 4. Since an emergency exists, this act takes effect when
 5 passed and approved according to law.
 6 2. On page 1, strike lines 2 through 5 and insert "to amend sections
 7 60-484.04 and 60-484.05, Revised Statutes Cumulative Supplement, 2014; to
 8 state findings and intent; to change provisions relating to evidence of
 9 lawful status, operators' licenses, and state identification cards; to
 10 repeal the original sections; and to declare an emergency."

LEGISLATIVE BILL 226. Placed on Select File with amendment.
 ER133

1 1. In the Standing Committee amendments, AM585, on page 22, line 24,
 2 strike the semicolon and insert an underscored colon.

(Signed) Matt Hansen, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 581A. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 581, One Hundred Fourth Legislature, First Session, 2015.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Tuesday, May 26, 2015 12:00 p.m.

Douglas M. Anderson - Environmental Quality Council
Jeremy J. Buhl - Environmental Quality Council
Dennis D. Grams - Environmental Quality Council
John Kinter - Environmental Quality Council
Ronald J. Sheppard - Environmental Quality Council
John C. Turnbull - Environmental Quality Council

(Signed) Ken Schilz, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR **Committee**
LR338 Transportation and Telecommunications

(Signed) Bob Krist, Chairperson
Executive Board**COMMITTEE REPORT(S)**

General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

James S. Brummer - State Electrical Board

Aye: 8 Coash, Hansen, Hughes, Kolterman, Krist, Larson, Riepe, Schilz.
Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Janelle Beveridge - State Racing Commission

Aye: 8 Coash, Hansen, Hughes, Kolterman, Krist, Larson, Riepe, Schilz.
Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Paul Leckband - Nebraska Commission on Problem Gambling
Terry L. Scoville - Nebraska Commission on Problem Gambling

Aye: 8 Coash, Hansen, Hughes, Kolterman, Krist, Larson, Riepe, Schilz.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tyson Larson, Chairperson

MOTION(S) - Print in Journal

Senator McCoy filed the following motion to LB176:
MO120
Bracket until June 5, 2015.

Senator McCoy filed the following motion to LB619:
MO121
Bracket until June 5, 2015.

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB390:
AM1651 is available in the Bill Room.

Senator Krist filed the following amendment to LB265:
AM1629

(Amendments to Final Reading copy)

- 1 1. Strike sections 4 and 7 and insert the following new section:
- 2 Sec. 6. Section 43-2,108.05, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 43-2,108.05 (1) If the court orders the record of a juvenile sealed
- 5 pursuant to section 43-2,108.04, the court shall:
- 6 (a) Order that all records, including any information or other data
- 7 concerning any proceedings relating to the offense, including the arrest,
- 8 taking into custody, petition, complaint, indictment, information, trial,
- 9 hearing, adjudication, correctional supervision, dismissal, or other
- 10 disposition or sentence, be deemed never to have occurred;
- 11 (b) Send notice of the order to seal the record (i) to the Nebraska
- 12 Commission on Law Enforcement and Criminal Justice, (ii) if the record
- 13 includes impoundment or prohibition to obtain a license or permit
- 14 pursuant to section 43-287, to the Department of Motor Vehicles, (iii) if
- 15 the juvenile whose record has been ordered sealed was a ward of the state
- 16 at the time the proceeding was initiated or if the Department of Health
- 17 and Human Services was a party in the proceeding, to such department, and
- 18 (iv) to law enforcement agencies, county attorneys, and city attorneys
- 19 referenced in the court record;

20 (c) Order all notified under subdivision (1)(b) of this section to
21 seal all records pertaining to the offense;

22 (d) If the case was transferred from district court to juvenile
23 court or was transferred under section 43-282, send notice of the order
24 to seal the record to the transferring court; and

25 (e) Explain to the juvenile what sealing the record means verbally
26 if the juvenile is present in the court at the time the court issues the
1 sealing order or by written notice sent by regular mail to the juvenile's
2 last-known address if the juvenile is not present in the court at the
3 time the court issues the sealing order.

4 (2) The effect of having a record sealed under section 43-2,108.04
5 is that thereafter no person is allowed to release any information
6 concerning such record, except as provided by this section. After a
7 record is sealed, the person whose record was sealed can respond to any
8 public inquiry as if the offense resulting in such record never occurred.
9 A government agency and any other public office or agency shall reply to
10 any public inquiry that no information exists regarding a sealed record.
11 Except as provided in subsection (3) of this section, an order to seal
12 the record applies to every government agency and any other public office
13 or agency that has a record relating to the offense, regardless of
14 whether it receives notice of the hearing on the sealing of the record or
15 a copy of the order. Upon the written request of a person whose record
16 has been sealed and the presentation of a copy of such order, a
17 government agency or any other public office or agency shall seal all
18 records pertaining to the offense.

19 (3) A sealed record is accessible to law enforcement officers,
20 county attorneys, and city attorneys in the investigation, prosecution,
21 and sentencing of crimes, to the sentencing judge in the sentencing of
22 criminal defendants, to a judge making a determination whether to
23 transfer a case to or from juvenile court, and to any attorney
24 representing the subject of the sealed record. Inspection of records that
25 have been ordered sealed under section 43-2,108.04 may be made by the
26 following persons or for the following purposes:

27 (a) By the court or by any person allowed to inspect such records by
28 an order of the court for good cause shown;

29 (b) By the court, city attorney, or county attorney for purposes of
30 collection of any remaining parental support or obligation balances under
31 section 43-290;

1 (c) By the Nebraska Probation System for purposes of juvenile intake
2 services, for presentence and other probation investigations, and for the
3 direct supervision of persons placed on probation and by the Department
4 of Correctional Services, the Office of Juvenile Services, a juvenile
5 assessment center, a criminal detention facility, a juvenile detention
6 facility, or a staff secure juvenile facility, for an individual
7 committed to it, placed with it, or under its care;

8 (d) By the Department of Health and Human Services for purposes of
9 juvenile intake services, the preparation of case plans and reports, the
10 preparation of evaluations, compliance with federal reporting
11 requirements, or the supervision and protection of persons placed with

12 the department or for licensing or certification purposes under sections
13 71-1901 to 71-1906.01, the Child Care Licensing Act, or the Children's
14 Residential Facilities and Placing Licensure Act;

15 (e) Upon application, by the person who is the subject of the sealed
16 record and by persons authorized by the person who is the subject of the
17 sealed record who are named in that application;

18 (f) At the request of a party in a civil action that is based on a
19 case that has a sealed record, as needed for the civil action. The party
20 also may copy the sealed record as needed for the civil action. The
21 sealed record shall be used solely in the civil action and is otherwise
22 confidential and subject to this section;

23 (g) By persons engaged in bona fide research, with the permission of
24 the court, only if the research results in no disclosure of the person's
25 identity and protects the confidentiality of the sealed record; or

26 (h) By a law enforcement agency if a person whose record has been
27 sealed applies for employment with the law enforcement agency.

28 (4) Nothing in this section prohibits the Department of Health and
29 Human Services from releasing information from sealed records in the
30 performance of its duties with respect to the supervision and protection
31 of persons served by the department.

1 (5) In any application for employment, bonding, license, education,
2 or other right or privilege, any appearance as a witness, or any other
3 public inquiry, a person cannot be questioned with respect to any offense
4 for which the record is sealed. If an inquiry is made in violation of
5 this subsection, the person may respond as if the offense never occurred.
6 Applications for employment shall contain specific language that states
7 that the applicant is not obligated to disclose a sealed record.
8 Employers shall not ask if an applicant has had a record sealed. The
9 Department of Labor shall develop a link on the department's web site to
10 inform employers that employers cannot ask if an applicant had a record
11 sealed and that an application for employment shall contain specific
12 language that states that the applicant is not obligated to disclose a
13 sealed record.

14 (6) Any person who violates this section may be held in contempt of
15 court.

16 2. On page 1, line 2; and page 30, line 18, strike "43-2,129," and
17 insert "43-2,108.05,".

18 3. On page 6, line 18, strike the new matter and insert "or (11)".

19 4. On page 10, line 5, after the semicolon insert "and"; strike
20 beginning with "Any" in line 6 through "(13)" in line 8; and in line 8
21 strike "subdivisions (11) and (12)" and insert "subdivision (11)".

22 5. On page 24, line 17, strike "15" and insert "14".

23 6. On page 30, line 11, strike "14,"; and in line 12 strike "17, and
24 20" and insert "16, and 19".

25 7. Renumber the remaining sections accordingly.

WITHDRAW - Amendments to LB599

Senator Crawford withdrew her amendment, AM1348, found on page 1304, to LB599.

Senator Hansen withdrew his amendments, AM1296 and AM1281, found on page 1304, to LB599.

Senator Riepe withdrew his amendment, AM1461, found on page 1337, to LB599.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 599.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1203, Reissue Revised Statutes of Nebraska, as amended by section 1, Initiative Law 2014, No. 425; to provide a minimum wage for certain young student workers; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Bloomfield	Friesen	Johnson	McCollister	Smith
Brasch	Garrett	Kintner	McCoy	Stinner
Coash	Gloor	Kolterman	Riepe	Sullivan
Craighead	Groene	Kuehn	Scheer	Watermeier
Davis	Hadley	Larson	Schilz	Williams
Ebke	Hughes	Lindstrom	Schnoor	

Voting in the negative, 17:

Baker	Cook	Harr, B.	Mello	Schumacher
Bolz	Crawford	Hilkemann	Morfeld	
Campbell	Haar, K.	Howard	Nordquist	
Chambers	Hansen	Kolowski	Pansing Brooks	

Present and not voting, 1:

Krist

Excused and not voting, 2:

Murante Seiler

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass.

WITHDRAW - Amendment to LB320A

Senator Bolz withdrew her amendment, AM1617, found on page 1548, to LB320A.

SENATOR KRIST PRESIDING

MOTION - Return LB320A to Select File

Senator Bolz moved to return LB320A to Select File for her specific amendment, AM1655, found on page 1658.

The Bolz motion to return prevailed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 320A. The Bolz specific amendment, AM1655, found on page 1658, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

GENERAL FILE

LEGISLATIVE BILL 468A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 643A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 5 nays, 14 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 173A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 629A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 259. ER118, found on page 1457, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 259A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 325. ER125, found on page 1613, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 547. ER126, found on page 1613, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 547A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 607. ER129, found on page 1632, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 607A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 196. ER131, found on page 1632, was adopted.

Advanced to Enrollment and Review for Engrossment.

AMENDMENT(S) - Print in Journal

Senator Kintner filed the following amendment to LB268:
AM1284

(Amendments to Standing Committee amendments, AM754)

- 1 1. Strike section 23.
- 2 2. Renumber the remaining sections accordingly.

VISITORS

Visitor to the Chamber was Senator Garrett's daughter, Maude, from Bellevue.

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

ADJOURNMENT

At 1:30 p.m., on a motion by Senator Morfeld, the Legislature adjourned until 9:00 a.m., Monday, May 18, 2015.

Patrick J. O'Donnell
Clerk of the Legislature