

EIGHTY-NINTH DAY - MAY 29, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

EIGHTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 29, 2015

PRAYER

The prayer was offered by Senator Sullivan.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Schnoor who was excused; and Senator Larson who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-eighth day was approved.

COMMUNICATION(S)

May 29, 2015

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the vetoes by Governor Ricketts of LB70e and LB70Ae, and consistent with our rules, I am delivering the bills for filing in the forms prescribed by the Governor.

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

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EXECUTIVE BOARD REPORT

Senator Krist, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committee:

Intergenerational Poverty Task Force:

Senator Kolterman
Senator Larson
Senator Stinner

(Signed) Bob Krist, Chairperson
Legislative Council, Executive Board

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>

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 28, 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

Jones, Johnny D.
Little Priest Tribal College (Withdrawn 5/28/2015)
Post, Ann
Lincoln Independent Business Association (LIBA) (Withdrawn 5/21/2015)

ANNOUNCEMENT

The Chair announced the birthday of Senator Hughes.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 315.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-974, Revised Statutes Cumulative Supplement, 2014; to change and add provisions relating to recovery audit contractors; to harmonize provisions; 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, 44:

Baker	Ebke	Howard	McCollister	Schilz
Bolz	Friesen	Hughes	McCoy	Schumacher
Brasch	Garrett	Johnson	Mello	Seiler
Campbell	Gloor	Kintner	Morfeld	Smith
Chambers	Haar, K.	Kolowski	Murante	Stinner
Coash	Hadley	Kolterman	Nordquist	Sullivan
Cook	Hansen	Krist	Pansing Brooks	Watermeier
Crawford	Harr, B.	Kuehn	Riepe	Williams
Davis	Hilkemann	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield Craighead Groene

Excused and not voting, 2:

Larson Schnoor

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 315A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 315, One Hundred Fourth Legislature, First Session, 2015.

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, 44:

Baker	Davis	Hilkemann	Lindstrom	Schilz
Bolz	Ebke	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Seiler
Campbell	Garrett	Johnson	Mello	Smith
Chambers	Gloor	Kintner	Murante	Stinner
Coash	Haar, K.	Kolowski	Nordquist	Sullivan
Cook	Hadley	Kolterman	Pansing Brooks	Watermeier
Craighead	Hansen	Krist	Riepe	Williams
Crawford	Harr, B.	Kuehn	Scheer	

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield Groene Morfeld

Excused and not voting, 2:

Larson Schnoor

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 452.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-124, Reissue Revised Statutes of Nebraska, and section 38-178, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to advertisement by credential holders; to provide for disciplinary action; and to repeal the original sections.

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, 46:

Baker	Davis	Howard	McCoy	Seiler
Bloomfield	Ebke	Hughes	Mello	Smith
Bolz	Friesen	Johnson	Morfeld	Stinner
Brasch	Garrett	Kintner	Murante	Sullivan
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Chambers	Haar, K.	Kolterman	Pansing Brooks	Williams
Coash	Hadley	Krist	Riepe	
Cook	Hansen	Kuehn	Scheer	
Craighead	Harr, B.	Lindstrom	Schilz	
Crawford	Hilkemann	McCollister	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Larson Schnoor

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 457. With Emergency Clause.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1213, 81-12,146, and 81-12,147, Reissue Revised Statutes of Nebraska, and section 58-708, Revised Statutes Cumulative Supplement, 2014; to terminate a fund; to change the Site and Building Development Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

Baker	Davis	Howard	McCoy	Seiler
Bloomfield	Ebke	Hughes	Mello	Smith
Bolz	Friesen	Johnson	Morfeld	Stinner
Brasch	Garrett	Kintner	Murante	Sullivan
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Chambers	Haar, K.	Kolterman	Pansing Brooks	Williams
Coash	Hadley	Krist	Riepe	
Cook	Hansen	Kuehn	Scheer	
Craighead	Harr, B.	Lindstrom	Schilz	
Crawford	Hilkemann	McCollister	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Larson Schnoor

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 540.

A BILL FOR AN ACT relating to the state building code; to amend sections 71-6403 and 71-6406, Revised Statutes Cumulative Supplement, 2014; to adopt updated international building code standards; to harmonize provisions; and to repeal the original sections.

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, 46:

Baker	Davis	Hilkemann	McCollister	Seiler
Bloomfield	Ebke	Howard	McCoy	Smith
Bolz	Friesen	Hughes	Mello	Stinner
Brasch	Garrett	Johnson	Morfeld	Sullivan
Campbell	Gloor	Kintner	Nordquist	Watermeier
Chambers	Groene	Kolowski	Pansing Brooks	Williams
Coash	Haar, K.	Kolterman	Riepe	
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

Murante

Excused and not voting, 2:

Larson Schnoor

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 577.

A BILL FOR AN ACT relating to counties; to amend section 23-187, Reissue Revised Statutes of Nebraska; to permit counties to regulate by ordinance the operation or conduct of peddlers, hawkers, or solicitors as prescribed; 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, 45:

Baker	Davis	Hilkemann	Lindstrom	Scheer
Bolz	Ebke	Howard	McCollister	Schilz
Brasch	Friesen	Hughes	McCoy	Schumacher
Campbell	Garrett	Johnson	Mello	Seiler
Chambers	Gloor	Kintner	Morfeld	Smith
Coash	Haar, K.	Kolowski	Murante	Stinner
Cook	Hadley	Kolterman	Nordquist	Sullivan
Craighead	Hansen	Krist	Pansing Brooks	Watermeier
Crawford	Harr, B.	Kuehn	Riepe	Williams

Voting in the negative, 1:

Bloomfield

Present and not voting, 1:

Groene

Excused and not voting, 2:

Larson Schnoor

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 581.

A BILL FOR AN ACT relating to motor fuels; to adopt the Nebraska Clean-burning Motor Fuel Development Act.

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, 41:

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

Voting in the negative, 4:

Bloomfield Groene Hughes Kintner

Present and not voting, 2:

Riepe Watermeier

Excused and not voting, 2:

Larson Schnoor

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 581A.

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.

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, 40:

Baker	Davis	Hilkemann	Lindstrom	Scheer
Bolz	Friesen	Howard	McCollister	Schilz
Brasch	Garrett	Johnson	McCoy	Schumacher
Campbell	Gloor	Kolowski	Mello	Seiler
Coash	Haar, K.	Kolterman	Morfeld	Smith
Cook	Hadley	Krist	Murante	Stinner
Craighead	Hansen	Kuehn	Nordquist	Sullivan
Crawford	Harr, B.	Larson	Pansing Brooks	Williams

Voting in the negative, 4:

Bloomfield	Groene	Hughes	Kintner
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Present and not voting, 4:

Chambers	Ebke	Riepe	Watermeier
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Excused and not voting, 1:

Schnoor

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 315, 315A, 452, 457, 540, 577, 581, and 581A.

SENATOR KRIST PRESIDING

RESOLUTION(S)

LEGISLATIVE RESOLUTION 371. Read. Considered.

LR371 was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

LEGISLATIVE RESOLUTION 372. Read. Considered.

Senator Schumacher moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Schumacher requested a roll call vote on the adoption of the resolution.

Voting in the affirmative, 48:

Baker	Davis	Hilkemann	Lindstrom	Schilz
Bloomfield	Ebke	Howard	McCollister	Schumacher
Bolz	Friesen	Hughes	McCoy	Seiler
Brasch	Garrett	Johnson	Mello	Smith
Campbell	Gloor	Kintner	Morfeld	Stinner
Chambers	Groene	Kolowski	Murante	Sullivan
Coash	Haar, K.	Kolterman	Nordquist	Watermeier
Cook	Hadley	Krist	Pansing Brooks	Williams
Craighead	Hansen	Kuehn	Riepe	
Crawford	Harr, B.	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Schnoor

LR372 was adopted with 48 ayes, 0 nays, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE RESOLUTION 373. Read. Considered.

LR373 was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

LEGISLATIVE RESOLUTION 374. Read. Considered.

LR374 was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 375. Read. Considered.

LR375 was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 376. Read. Considered.

LR376 was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 377. Read. Considered.

LR377 was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 29, 2015, at 10:35 a.m. were the following: LBs 315, 315A, 452, 457e, 540, 577, 581, and 581A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

MESSAGE(S) FROM THE GOVERNOR

May 29, 2015

Patrick J. O'Donnell
Clerk of the Nebraska Legislature
2018 State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 468e and 468Ae were received in my office on May 26, 2015.

Engrossed Legislative Bills 315, 315A, 452, 457e, 540, 577, 581, and 581A were received in my office on May 29, 2015.

These bills were signed and delivered to the Secretary of State on May 29, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk

SPEAKER HADLEY PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 23, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, and 377.

MOTION - Notify Governor

Senator McCollister moved that a committee of five be appointed to notify the Governor that the One Hundred Fourth Legislature, First Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Garrett, Murante, Brasch, K. Haar, and Crawford to serve on said committee.

The committee returned and escorted Governor Pete Ricketts to the rostrum where he delivered a message to the members.

The committee escorted Governor Pete Ricketts from the Chamber.

SENATOR COASH PRESIDING**MOTION - Suspend Rules**

Senator Hadley offered his motion, found on page 1911, to suspend the rules, Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 12, 12A, 13, 32, 76, 97, 197, 205, 290, 326, 335, 359, 377, 405, 420, 441, 460, 489, 489A, 509, 514, 544, 546, 571, and 602.

The Hadley motion to suspend the rules prevailed with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

MOTION - Journal, Session Laws, and Indexes

Senator Smith moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the permanent Legislative Journal and Session Laws.

The motion prevailed.

MOTION - Eighty-Ninth Day Journal

Senator Bloomfield moved that the Journal for the Eighty-Ninth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

VISITORS

Visitors to the Chamber were Senator Kolterman's granddaughter, Teresa, her mother, Mary, and her brother, John Paul Wilson, from Lincoln; Senator Hadley's wife, Marilyn, from Kearney; Senator Nordquist's daughter, Elin, his mother and her friend, Jean Nordquist and Cal Dunham, from Beresford, SD.

The Doctor of the Day was Dr. Sarwada T. Jha from Omaha.

MOTION - Adjourn Sine Die

Senator Nordquist moved that the One Hundred Fourth Legislature, First Session of the Nebraska Legislature, having finished all business before it, now at 11:54 a.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature