

TWENTIETH DAY - FEBRUARY 4, 2016
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 4, 2016

PRAYER

The prayer was offered by Senator Ebke.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Craighead, McCoy, and Seiler who were excused; and Senators Campbell, Friesen, Garrett, Larson, McCollister, Mello, Morfeld, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

MOTION(S) - Confirmation Report(s)

Senator Smith moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 432:

Department of Roads
Kyle Schneweis, Director

Voting in the affirmative, 27:

Baker	Davis	Hilkemann	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	Pansing Brooks	Smith
Bolz	Fox	Kolowski	Riepe	Sullivan
Brasch	Gloor	Kolterman	Scheer	
Coash	Groene	Krist	Schilz	
Crawford	Haar, K.	Kuehn	Schnoor	

Voting in the negative, 0.

Present and not voting, 11:

Chambers	Hansen	Johnson	Watermeier
Cook	Harr, B.	Kintner	Williams
Hadley	Hughes	Stinner	

Excused and not voting, 11:

Campbell	Garrett	McCoy	Murante
Craighead	Larson	Mello	Seiler
Friesen	McCollister	Morfeld	

The appointment was confirmed with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 448:

Beginning Farmer Board

Donald Anthony

Bradley Lubben

Todd Reed

Voting in the affirmative, 30:

Baker	Davis	Hilkemann	Lindstrom	Schnoor
Bloomfield	Ebke	Howard	Murante	Schumacher
Bolz	Fox	Johnson	Pansing Brooks	Smith
Brasch	Groene	Kolowski	Riepe	Stinner
Chambers	Haar, K.	Kolterman	Scheer	Sullivan
Coash	Hadley	Kuehn	Schilz	Watermeier

Voting in the negative, 0.

Present and not voting, 9:

Cook	Gloor	Harr, B.	Kintner	Williams
Crawford	Hansen	Hughes	Krist	

Excused and not voting, 10:

Campbell	Friesen	Larson	McCoy	Morfeld
Craighead	Garrett	McCollister	Mello	Seiler

The appointments were confirmed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 448:

Beginning Farmer Board
Nadine Hagedorn

Voting in the affirmative, 29:

Bloomfield	Ebke	Howard	Lindstrom	Schnoor
Bolz	Fox	Johnson	Mello	Schumacher
Brasch	Gloor	Kolowski	Murante	Smith
Chambers	Groene	Kolterman	Riepe	Stinner
Coash	Haar, K.	Krist	Scheer	Sullivan
Davis	Hilkemann	Kuehn	Schilz	

Voting in the negative, 0.

Present and not voting, 11:

Baker	Hadley	Hughes	Watermeier
Cook	Hansen	Kintner	Williams
Crawford	Harr, B.	Pansing Brooks	

Excused and not voting, 9:

Campbell	Friesen	Larson	McCoy	Seiler
Craighead	Garrett	McCollister	Morfeld	

The appointment was confirmed with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 447:

Beginning Farmer Board
Ryan Ueberrhein

Voting in the affirmative, 30:

Baker	Ebke	Howard	Lindstrom	Schnoor
Bolz	Fox	Hughes	McCollister	Schumacher
Brasch	Groene	Johnson	Mello	Smith
Campbell	Haar, K.	Kolowski	Murante	Stinner
Coash	Hadley	Kolterman	Pansing Brooks	Sullivan
Davis	Hilkemann	Kuehn	Riepe	Watermeier

Voting in the negative, 0.

Present and not voting, 12:

Bloomfield	Crawford	Harr, B.	Scheer
Chambers	Gloor	Kintner	Schilz
Cook	Hansen	Krist	Williams

Excused and not voting, 7:

Craighead	Garrett	McCoy	Seiler
Friesen	Larson	Morfeld	

The appointment was confirmed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Senator Coash moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 463:

Board of Parole
Virgil J. Patlan Sr.

Voting in the affirmative, 40:

Baker	Crawford	Hansen	Lindstrom	Schilz
Bloomfield	Davis	Hilkemann	McCollister	Schnoor
Bolz	Ebke	Howard	Mello	Schumacher
Brasch	Fox	Johnson	Morfeld	Smith
Campbell	Gloor	Kolowski	Murante	Stinner
Chambers	Groene	Kolterman	Pansing Brooks	Sullivan
Coash	Haar, K.	Krist	Riepe	Watermeier
Cook	Hadley	Kuehn	Scheer	Williams

Voting in the negative, 0.

Present and not voting, 3:

Harr, B.	Hughes	Kintner
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Excused and not voting, 6:

Craighead	Garrett	McCoy
Friesen	Larson	Seiler

The appointment was confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Senator Coash moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 463:

Crime Victim's Reparations Committee
JoAnna Briggs
Brian Wachman

Voting in the affirmative, 34:

Baker	Crawford	Hilkemann	McCollister	Schnoor
Bloomfield	Davis	Howard	Mello	Schumacher
Brasch	Gloor	Johnson	Murante	Smith
Campbell	Groene	Kolowski	Pansing Brooks	Stinner
Chambers	Haar, K.	Kolterman	Riepe	Sullivan
Coash	Hadley	Krist	Scheer	Williams
Cook	Hansen	Lindstrom	Schilz	

Voting in the negative, 0.

Present and not voting, 9:

Bolz	Fox	Hughes	Kuehn	Watermeier
Ebke	Harr, B.	Kintner	Morfeld	

Excused and not voting, 6:

Craighead	Garrett	McCoy
Friesen	Larson	Seiler

The appointments were confirmed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Senator Gloor moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 467:

Tax Equalization and Review Commission
Robert W. Hotz

Voting in the affirmative, 36:

Baker	Crawford	Hilkemann	Mello	Smith
Bloomfield	Davis	Howard	Murante	Stinner
Bolz	Fox	Johnson	Pansing Brooks	Sullivan
Brasch	Gloor	Kolowski	Riepe	Williams
Campbell	Groene	Kolterman	Scheer	
Chambers	Haar, K.	Krist	Schilz	
Coash	Hadley	Lindstrom	Schnoor	
Cook	Hansen	McCollister	Schumacher	

Voting in the negative, 0.

Present and not voting, 8:

Ebke	Harr, B.	Kintner	Morfeld
Friesen	Hughes	Kuehn	Watermeier

Excused and not voting, 5:

Craighead Garrett Larson McCoy Seiler

The appointment was confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Gloor moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 467:

Tax Equalization and Review Commission
Steven Keetle

Voting in the affirmative, 33:

Baker	Crawford	Hilkemann	McCollister	Schumacher
Bloomfield	Friesen	Howard	Murante	Smith
Bolz	Garrett	Johnson	Pansing Brooks	Stinner
Brasch	Gloor	Kolowski	Riepe	Sullivan
Campbell	Groene	Kolterman	Scheer	Williams
Chambers	Haar, K.	Krist	Schilz	
Cook	Hansen	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 12:

Coash	Fox	Hughes	Mello
Davis	Hadley	Kintner	Morfeld
Ebke	Harr, B.	Kuehn	Watermeier

Excused and not voting, 4:

Craighead Larson McCoy Seiler

The appointment was confirmed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Senator Scheer moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 485:

Department of Economic Development
Courtney Dentlinger, Director

Voting in the affirmative, 28:

Bloomfield	Fox	Johnson	Murante	Smith
Brasch	Friesen	Kolowski	Pansing Brooks	Stinner
Campbell	Garrett	Kolterman	Riepe	Sullivan
Chambers	Haar, K.	Krist	Scheer	Williams
Cook	Hansen	Lindstrom	Schnoor	
Crawford	Howard	McCollister	Schumacher	

Voting in the negative, 0.

Present and not voting, 17:

Baker	Ebke	Harr, B.	Kuehn	Watermeier
Bolz	Gloor	Hilkemann	Mello	
Coash	Groene	Hughes	Morfeld	
Davis	Hadley	Kintner	Schilz	

Excused and not voting, 4:

Craighead	Larson	McCoy	Seiler
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The appointment was confirmed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 488:

Nebraska Educational Telecommunications Commission
 Stan H. Carpenter

Voting in the affirmative, 26:

Brasch	Friesen	Johnson	Riepe	Sullivan
Campbell	Garrett	Kolterman	Scheer	Williams
Chambers	Gloor	Lindstrom	Schnoor	
Cook	Groene	McCollister	Schumacher	
Crawford	Haar, K.	Murante	Smith	
Fox	Howard	Pansing Brooks	Stinner	

Voting in the negative, 1:

Krist

Present and not voting, 18:

Baker	Davis	Harr, B.	Kolowski	Schilz
Bloomfield	Ebke	Hilkemann	Kuehn	Watermeier
Bolz	Hadley	Hughes	Mello	
Coash	Hansen	Kintner	Morfeld	

Excused and not voting, 4:

Craighead	Larson	McCoy	Seiler
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The appointment was confirmed with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 665. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 666. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 667. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 136. ER146, found on page 378, was adopted.

Senator Johnson offered his amendment, AM1768, found on page 425.

The Johnson amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 471. ER148, found on page 450, was adopted.

Senator Howard offered her amendment, AM1952, found on page 469.

The Howard amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 430. Introduced by Scheer, 19.

PURPOSE: The purpose of this resolution is to study whether the Nebraska Banking Act should be updated. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Banking and Finance and should consider the input of interested persons as the committee deems necessary or appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 431. Introduced by Scheer, 19.

PURPOSE: The purpose of this resolution is to study whether the Securities Act of Nebraska should be updated. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Banking and Finance and should consider the input of interested persons as the committee deems necessary or appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB474:
AM1958

(Amendments to E & R amendments, ER152)

1 1. On page 9, line 19, strike "when it is designed" and insert "by
2 October 1, 2016"; and in line 30 strike "A" and insert "Beginning October
3 1, 2016, a".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Toner, Edward A. - Chief Information Officer - Government, Military and Veterans Affairs

(Signed) Bob Krist, Chairperson
Executive Board

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 295. Placed on Select File with amendment.

ER158

1 1. In the Crawford amendment, AM556:

2 a. On page 1, line 23; and page 3, line 2, strike "effects" and

3 insert "affects";

4 b. On page 2, line 31, strike "city or village's"; and

5 c. On page 3, lines 1 and 3, after "jurisdiction" insert "of the
6 city or village"; and in line 2 strike "city or village's".
7 2. On page 1, strike lines 2 through 5 and insert "16-901 and
8 17-1001, Reissue Revised Statutes of Nebraska; to require notice and
9 opportunity for comment regarding zoning ordinances affecting
10 extraterritorial zoning jurisdiction for certain municipalities; to
11 harmonize provisions; and to repeal the original sections.".

LEGISLATIVE BILL 221. Placed on Select File.

(Signed) Matt Hansen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 328. Title read. Considered.

Senator Chambers offered the following motion:
MO171
Bracket until April 20, 2016.

Senator Chambers withdrew his motion to bracket.

Senator Chambers offered the following motion:
MO172
Recommit to the Natural Resources Committee.

Senator Chambers withdrew his motion to recommit to committee.

Senator Chambers offered the following amendment:
FA84
Strike section 1.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following motion:
MO173
Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Senator Schilz moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 6 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 19. Title read. Considered.

SPEAKER HADLEY PRESIDING

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 188. Title read. Considered.

Committee AM374, found on page 746, First Session, 2015, was offered.

Senator Chambers offered the following amendment to the committee amendment:

FA85

Amend AM374

In line 9 after "vehicle" and insert "and such fact is known to the officer at the time the pursuit was commenced".

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Bolz	Cook	Haar, K.	Schumacher
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Voting in the negative, 16:

Coash	Groene	Kuehn	Scheer
Ebke	Hughes	Larson	Schnoor
Friesen	Johnson	Lindstrom	Watermeier
Garrett	Kintner	Murante	Williams

Present and not voting, 26:

Baker	Davis	Hilkemann	Mello	Stinner
Bloomfield	Fox	Howard	Morfeld	Sullivan
Brasch	Gloor	Kolowski	Pansing Brooks	
Campbell	Hadley	Kolterman	Riepe	
Chambers	Hansen	Krist	Schilz	
Crawford	Harr, B.	McCollister	Smith	

Excused and not voting, 3:

Craighead	McCoy	Seiler
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The Chambers amendment lost with 4 ayes, 16 nays, 26 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO174

Reconsider the vote taken on FA85.

SENATOR SCHEER PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 53. Placed on Select File with amendment.

ER159

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

2 insert the following new sections:

3 Section 1. Section 60-3,100, Revised Statutes Supplement, 2015, is

4 amended to read:

5 60-3,100 (1) The department shall issue to every person whose motor

6 vehicle or trailer is registered one or two fully reflectorized license

7 plates upon which shall be displayed (a) the registration number

8 consisting of letters and numerals assigned to such motor vehicle or

9 trailer in figures not less than two and one-half inches nor more than

10 three inches in height and (b) also the word Nebraska suitably lettered

11 so as to be attractive. ~~Two license plates shall be issued for every~~

12 ~~motor vehicle, except that one plate shall be issued for dealers,~~

13 ~~autocycles, motorcycles, minitrucks, truck tractors, trailers, buses,~~

14 ~~apportionable vehicles, and special interest motor vehicles that use the~~

15 ~~special interest motor vehicle license plate authorized by and issued~~

16 ~~under section 60-3,135.01.~~ The license plates shall be of a color

17 designated by the director. The color of the plates shall be changed each

18 time the license plates are changed. Each time the license plates are

19 changed, the director shall secure competitive bids for materials

20 pursuant to sections 81-145 to 81-162. Autocycle, motorcycle, minitruck,

21 low-speed vehicle, and trailer license plate letters and numerals may be

22 one-half the size of those required in this section.

23 (2)(a) Except as otherwise provided in this subsection, two license

24 plates shall be issued for every motor vehicle.

25 (b) One license plate shall be issued for (i) apportionable

26 vehicles, (ii) buses, (iii) dealers, (iv) minitrucks, (v) motorcycles,

27 (vi) special interest motor vehicles that use the special interest motor

1 vehicle license plate authorized by and issued under section 60-3,135.01,

2 (vii) trailers, and (viii) truck-tractors.

3 (c)(i) Beginning January 1, 2017, one license plate shall be issued,

4 upon request and compliance with this subdivision, for any passenger car

5 which is not manufactured to be equipped with a bracket on the front of

6 the vehicle to display a license plate. A license decal shall be issued

7 with the license plate as provided in subdivision (ii) of this
 8 subdivision and shall be displayed on the driver's side of the
 9 windshield. In order to request a single license plate and license decal,
 10 there shall be an additional annual nonrefundable registration fee of one
 11 hundred dollars plus the cost of the decal paid to the county treasurer
 12 at the time of registration. All fees collected under this subdivision
 13 shall be remitted to the State Treasurer for credit to the Highway Trust
 14 Fund.

15 (ii) The department shall design, procure, and furnish to the county
 16 treasurers a license decal which shall be displayed as evidence that a
 17 license plate has been obtained under this subdivision. Each county
 18 treasurer shall furnish a license decal to the person obtaining the
 19 plate.

20 (d 2) When two license plates are issued, one shall be prominently
 21 displayed at all times on the front and one on the rear of the registered
 22 motor vehicle or trailer. When only one plate is issued, it shall be
 23 prominently displayed on the rear of the registered motor vehicle or
 24 trailer. When only one plate is issued for motor vehicles registered
 25 pursuant to section 60-3,198 and truck-tractors, it shall be prominently
 26 displayed on the front of the apportionable vehicle.

27 Sec. 2. Original section 60-3,100, Revised Statutes Supplement,
 28 2015, is repealed.

29 2. On page 1, line 2, strike "Cumulative"; and in line 3 strike
 30 "2014" and insert "2015".

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Executive Board

LEGISLATIVE BILL 954. Placed on General File.

LEGISLATIVE BILL 1016. Placed on General File.

(Signed) Bob Krist, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 718. Placed on General File.

LEGISLATIVE BILL 753. Placed on General File.

LEGISLATIVE BILL 766. Placed on General File.

(Signed) John Murante, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 510A. Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 510, One Hundred Fourth Legislature, Second Session, 2016.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 432. Introduced by Kolterman, 24.

WHEREAS, Isabella Graves, a junior at Seward High School and a member of the Nebraska-Iowa chapter of the Junior National Association of the Deaf (Junior NAD), was elected Miss Junior NAD Ambassador at the association's 2015 national conference in Florida; and

WHEREAS, Junior NAD chapters focus on advocacy, involvement, and fellowship, and their members help organize community events and fundraisers. Chapter members develop the skills to become future leaders and advocates in the deaf and hard of hearing community; and

WHEREAS, Isabella is a dynamic and motivated young woman who is also a member of the Seward High School speech team; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Isabella Graves on being elected Miss Junior National Association of the Deaf Ambassador.
2. That a copy of this resolution be sent to Isabella Graves.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB188:

FA86

On page 3, lines 24-28; and page 5, lines 26-30, strike new language.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Coash - LB53

Fox - LR35

VISITOR(S)

Visitors to the Chamber were Alyssa Howell, Miss Nebraska 2015, from Omaha; members of Nebraska Speech-Language-Hearing Association; and Kendall Hallstrom from Syracuse.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Fox, the Legislature adjourned until 9:00 a.m., Friday, February 5, 2016.

Patrick J. O'Donnell
Clerk of the Legislature

