

TWENTY-FOURTH DAY - FEBRUARY 10, 2016

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION**

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 10, 2016

PRAYER

The prayer was offered by Pastor Roger Graber, Reality Church, La Vista.

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 and McCoy who were excused; and Senators Groene, Murante, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

ANNOUNCEMENT(S)

The Legislative Performance Audit Committee designates LB867 and LB1022 as its priority bills.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 131. Placed on Final Reading.

ST57

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "annexation" in line 1 through line 6 and all amendments thereto have been struck and "political subdivisions; to amend section 33-114, Reissue Revised Statutes of Nebraska; to provide restrictions on and requirements for sanitary and improvement districts subject to municipal annexation; to authorize fees for county treasurers for the collection of certain taxes and assessments of sanitary and improvement districts; and to repeal the original section." inserted.

LEGISLATIVE BILL 270. Placed on Final Reading.
LEGISLATIVE BILL 275. Placed on Final Reading.
LEGISLATIVE BILL 474. Placed on Final Reading.
LEGISLATIVE BILL 474A. Placed on Final Reading.

LEGISLATIVE BILL 505. Placed on Final Reading.
ST58

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Krist amendment, AM1931, on page 4, line 5, section 2 has been renumbered as section 3.
2. On page 1, line 4, "to provide an operative date;" has been inserted after the semicolon.

LEGISLATIVE BILL 505A. Placed on Final Reading.
LEGISLATIVE BILL 695. Placed on Final Reading.
LEGISLATIVE BILL 699. Placed on Final Reading.
LEGISLATIVE BILL 702. Placed on Final Reading.
LEGISLATIVE BILL 737. Placed on Final Reading.
LEGISLATIVE BILL 751. Placed on Final Reading.
LEGISLATIVE BILL 759. Placed on Final Reading.
LEGISLATIVE BILL 760. Placed on Final Reading.
LEGISLATIVE BILL 761. Placed on Final Reading.
LEGISLATIVE BILL 771. Placed on Final Reading.
LEGISLATIVE BILL 775. Placed on Final Reading.
LEGISLATIVE BILL 853. Placed on Final Reading.
LEGISLATIVE BILL 876. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 770. Placed on General File.

The Banking, Commerce and Insurance 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.

Patrick Booth - Nebraska Exchange Stakeholder Commission

Aye: 8 Campbell, Craighead, Fox, Gloor, Lindstrom, Scheer, Schumacher, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

The Banking, Commerce and Insurance 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.

Shari Flowers - Nebraska Exchange Stakeholder Commission

Aye: 8 Campbell, Craighead, Fox, Gloor, Lindstrom, Scheer, Schumacher, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

The Banking, Commerce and Insurance 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.

Edward (Ed) Rieker - Nebraska Exchange Stakeholder Commission

Aye: 8 Campbell, Craighead, Fox, Gloor, Lindstrom, Scheer, Schumacher, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jim Scheer, Chairperson

ANNOUNCEMENT

The Chair announced the birthday of Senator Smith.

GENERAL FILE

LEGISLATIVE BILL 188. Senator Chambers renewed his amendment, FA86, found on page 506 and considered on page 534, to the committee amendment.

Senator Chambers offered the following motion:

MO177

Recommit to the Judiciary Committee.

SPEAKER HADLEY PRESIDING

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 the motion to recommit to committee.

Voting in the affirmative, 2:

Cook Haar, K.

Voting in the negative, 30:

Brasch	Friesen	Johnson	Mello	Seiler
Coash	Garrett	Kintner	Murante	Smith
Crawford	Gloor	Kolterman	Riepe	Stinner
Davis	Hadley	Krist	Scheer	Sullivan
Ebke	Hilkemann	Kuehn	Schilz	Watermeier
Fox	Hughes	McCollister	Schnoor	Williams

Present and not voting, 11:

Baker	Campbell	Howard	Pansing Brooks
Bloomfield	Chambers	Kolowski	Schumacher
Bolz	Hansen	Morfeld	

Excused and not voting, 6:

Craighead	Harr, B.	Lindstrom
Groene	Larson	McCoy

The Chambers motion to recommit to committee failed with 2 ayes, 30 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LR26CA:
AM2043

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. At the general election in November 2016 the following
4 proposed amendment to the Constitution of Nebraska shall be submitted to
5 the electors of the State of Nebraska for approval or rejection:

6 To amend Article III, section 8, and Article IV, section 2, and to
7 add a new section 9 to Article IV:

8 III-8 ~~A No person is shall be eligible for to the office of member~~
9 of the Legislature ~~if, unless~~ on the date of the general election at
10 which such person ~~he~~ is elected; or on the date of his or her
11 appointment, such person ~~he~~ is a registered voter, has attained the
12 federal voting age, ~~of twenty-one years~~ and has resided within the
13 district from which he or she is elected for the term of one year next
14 before his or her election unless such person has, ~~unless he shall have~~
15 been absent on the public business of the United States or of this State.
16 ~~A And no person elected to the office of member of the Legislature as~~
17 ~~aforsaid shall not hold such his office after he or she has shall have~~
18 removed from such district.

19 IV-2 A person shall be eligible for the office of Governor if such

20 person has attained the federal voting age, subject to qualifications,
 21 other than age, established by law. A person shall be eligible for the
 22 office of Lieutenant Governor if such person has attained the federal
 23 voting age, subject to qualifications, other than age, established by
 24 law. A ~~No~~ person shall be eligible to the office of Governor; or
 25 Lieutenant Governor if he or she has ~~, who shall not have attained the~~
 26 ~~age of thirty years, and who shall not have~~ been for five years next
 27 preceding his or her election a resident and citizen of this state and a
 1 citizen of the United States. ~~Any~~ ~~None of the~~ appointive ~~officer~~ ~~officers~~
 2 mentioned in this article shall ~~not~~ be eligible to any other state office
 3 during the period for which ~~he or she was~~ ~~they have been~~ appointed.
 4 IV-9 A person shall be eligible for any elected office in the
 5 executive branch of state government if such person has attained the
 6 federal voting age, subject to qualifications, other than age,
 7 established by law.

8 Sec. 2. The proposed amendment shall be submitted to the electors
 9 in the manner prescribed by the Constitution of Nebraska, Article XVI,
 10 section 1, with the following ballot language:

11 A constitutional amendment to provide and change eligibility
 12 requirements related to age for state elected office.

13 For

14 Against.

Senator Coash filed the following amendment to LB894:

AM2053

(Amendments to Standing Committee amendments, AM1962)

1 1. On page 14, lines 7 through 19, strike the new matter and
 2 reinstate the stricken matter.

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Wednesday, February 17, 2016 1:30 p.m.

LB1098

LB975

LB670

LB847

LB1010

Thursday, February 18, 2016 1:30 p.m.

LB1000

LB1097

LB1054

LB920

LB839

(Signed) Les Seiler, Chairperson

Health and Human Services

Room 1510

Wednesday, February 17, 2016 1:30 p.m.

Chad Bell - Commission for the Blind and Visually Impaired
 Michael D. Hansen - Commission for the Blind and Visually Impaired
 LB816
 LB899
 LB908

Thursday, February 18, 2016 1:00 p.m.

DHHS Medicaid Division Annual Committee Briefing
 LB782
 LB869
 LB1043

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORT(S)
 Judiciary

LEGISLATIVE BILL 894. Placed on General File with amendment.
 AM1962 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

Urban Affairs

LEGISLATIVE BILL 808. Placed on General File.

LEGISLATIVE BILL 860. Placed on General File.

LEGISLATIVE BILL 875. Placed on General File with amendment.
 AM1919

1 1. On page 4, line 6, strike "commission" and insert "department and
 2 public works department".

LEGISLATIVE BILL 948. Placed on General File with amendment.
 AM2014

1 1. On page 2, line 17, after "may" insert "establish a period of
 2 time within which to"; strike beginning with "for" in line 17 through
 3 "days" in line 18; and in line 19 strike paragraphing.

(Signed) Sue Crawford, Chairperson

GENERAL FILE

LEGISLATIVE BILL 188. Senator Chambers offered the following motion:

MO178

Reconsider the vote to recommit to committee.

Senator Chambers moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 4:

Chambers	Cook	Haar, K.	Pansing Brooks
----------	------	----------	----------------

Voting in the negative, 36:

Baker	Friesen	Johnson	Mello	Stinner
Bloomfield	Garrett	Kintner	Murante	Sullivan
Bolz	Gloor	Kolowski	Riepe	Watermeier
Campbell	Groene	Kolterman	Scheer	Williams
Coash	Hadley	Krist	Schilz	
Davis	Hansen	Kuehn	Schnoor	
Ebke	Hilkemann	Lindstrom	Seiler	
Fox	Hughes	McCollister	Smith	

Present and not voting, 5:

Brasch	Crawford	Harr, B.	Howard	Schumacher
--------	----------	----------	--------	------------

Excused and not voting, 4:

Craighead	Larson	McCoy	Morfeld
-----------	--------	-------	---------

The Chambers motion to reconsider failed with 4 ayes, 36 nays, 5 present and not voting, and 4 excused and not voting.

Senator Watermeier offered the following motion:

MO179

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Watermeier requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 37:

Baker	Fox	Hughes	Mello	Smith
Bolz	Friesen	Johnson	Murante	Stinner
Brasch	Garrett	Kintner	Riepe	Sullivan
Campbell	Gloor	Kolowski	Scheer	Watermeier
Coash	Groene	Kolterman	Schilz	Williams
Crawford	Hadley	Kuehn	Schnoor	
Davis	Harr, B.	Lindstrom	Schumacher	
Ebke	Hilkemann	McCollister	Seiler	

Voting in the negative, 5:

Bloomfield	Chambers	Cook	Haar, K.	Pansing Brooks
------------	----------	------	----------	----------------

Present and not voting, 3:

Hansen	Howard	Krist
--------	--------	-------

Excused and not voting, 4:

Craighead	Larson	McCoy	Morfeld
-----------	--------	-------	---------

The Watermeier motion to invoke cloture prevailed with 37 ayes, 5 nays, 3 present and not voting, and 4 excused and not voting.

The Chambers amendment, FA86, to the committee amendment, lost with 18 ayes, 23 nays, 4 present and not voting, and 4 excused and not voting.

Senator Watermeier requested a roll call vote, in reverse order, on Committee AM374.

Voting in the affirmative, 42:

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

Voting in the negative, 2:

Chambers	Krist
----------	-------

Present and not voting, 1:

Cook

Excused and not voting, 4:

Craighead Larson McCoy Morfeld

The committee amendment was adopted with 42 ayes, 2 nays, 1 present and not voting, and 4 excused and not voting.

Senator Watermeier requested a record vote on the advancement of the bill.

Voting in the affirmative, 34:

Baker	Fox	Hilkemann	Lindstrom	Seiler
Bolz	Friesen	Hughes	Mello	Smith
Brasch	Garrett	Johnson	Murante	Stinner
Campbell	Gloor	Kintner	Riepe	Sullivan
Coash	Groene	Kolowski	Scheer	Watermeier
Davis	Hadley	Kolterman	Schilz	Williams
Ebke	Harr, B.	Kuehn	Schnoor	

Voting in the negative, 6:

Chambers	Haar, K.	Pansing Brooks
Cook	Krist	Schumacher

Present and not voting, 5:

Bloomfield Crawford Hansen Howard McCollister

Excused and not voting, 4:

Craighead Larson McCoy Morfeld

Advanced to Enrollment and Review Initial with 34 ayes, 6 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

BILL ON FIRST READING

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

LEGISLATIVE BILL 371A. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB657, section 175; to appropriate funds to aid in carrying out the provisions of Legislative Bill 371, One Hundred Fourth Legislature, Second Session, 2016; to change an appropriation; and to repeal the original section.

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 730. Placed on General File.

(Signed) Jerry Johnson, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 639. Placed on General File with amendment.
AM2025 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Wednesday, February 24, 2016 1:30 p.m.

LB965
LB793
LB1055
LB1056

Thursday, February 25, 2016 1:30 p.m.

LB1058
LB1072
LB720
LB885

Wednesday, March 2, 2016 1:30 p.m.

LB707
LB848
LR398CA
LB990
LB767

Thursday, March 3, 2016 1:30 p.m.

LB769
LB681
LB1090
LB815
LB971

(Signed) Les Seiler, Chairperson

AMENDMENT(S) - Print in Journal

Senator Watermeier filed the following amendment to LB188:
AM2084

(Amendments to Standing Committee amendments, AM374)

- 1 1. Strike amendment 1 and insert the following new amendments:
- 2 "1. On page 3, strike lines 24 through 28 and reletter the remaining
- 3 subdivisions accordingly.
- 4 4. On page 5, strike lines 26 through 30 and reletter the remaining
- 5 subdivisions accordingly."
- 6 2. On page 1, line 7, after "in" insert "immediate".
- 7 3. Renumber the remaining amendments accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Mello - LB1016, LB1022
Kolterman - LB733, LB896, LR378CA, LR35
Garrett - LR35

VISITOR(S)

Visitors to the Chamber were 25 ninth- through twelfth-grade Leadership Group students from Ogallala and Sidney; Ryan Volin from Wahoo; Ella and Ben Murray from Deshler; and 20 members of a Leadership Group from Merrick County.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

ADJOURNMENT

At 12:04 p.m., on a motion by Senator Schnoor, the Legislature adjourned until 9:00 a.m., Thursday, February 11, 2016.

Patrick J. O'Donnell
Clerk of the Legislature

