

**TWENTY-SECOND DAY - FEBRUARY 6, 2015****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION****TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 6, 2015

**PRAYER**

The prayer was offered by Pastor Brad Hoefs, Community of Grace Lutheran Church, Elkhorn.

**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 Cook and Davis who were excused; and Senators Bolz, Campbell, and K. Haar who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-first day was approved.

**COMMITTEE REPORT(S)**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 155.** Placed on General File with amendment.  
AM180

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 8-116, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 8-116 (1) Except as provided in subsection (2) of this section, a  
6 charter for a bank hereafter organized shall not be issued unless the  
7 corporation applying therefor has shall have a surplus and paid-up  
8 capital stock in an amount not less than the amount necessary for  
9 compliance with subsection (1) of section 8-702 for the insurance of  
10 deposits of not less than seventy thousand dollars or seventy percent of  
11 its paid-up capital stock, whichever is greater, and a paid-up capital  
12 stock as follows: In villages or counties of less than one thousand  
13 inhabitants, one hundred thousand dollars; in cities, villages, or  
14 counties of one thousand or more and less than twenty five thousand

15 inhabitants, not less than one hundred fifty thousand dollars; in cities  
 16 or counties of twenty five thousand or more and less than one hundred  
 17 thousand inhabitants, not less than two hundred thousand dollars; and in  
 18 cities or counties of one hundred thousand or more inhabitants, not less  
 19 than five hundred thousand dollars.

20 (2) ~~The Notwithstanding subsection (1) of this section, the~~  
 21 department shall have the authority to determine the minimum amount of  
 22 paid-up capital stock and surplus required for any corporation applying  
 23 for a bank charter, which ~~amount amounts~~ shall not be less than the  
 24 ~~amount amounts~~ provided in subsection (1) of this section.

25 (3) ~~For purposes of this section, population shall be determined by~~  
 26 ~~the most recent federal decennial census.~~

27 Sec. 2. Section 8-128, Reissue Revised Statutes of Nebraska, is  
 1 amended to read:

2 8-128 The paid-in capital stock of any bank may be increased or  
 3 decreased in the following manner: The stockholders at any regular  
 4 meeting or at any special meeting duly called for such purpose shall by  
 5 vote of those owning two-thirds of the capital stock authorize the  
 6 president or cashier to notify the department of the proposed increase or  
 7 reduction of paid-in capital stock, and a notice containing a statement  
 8 of the amount of any proposed reduction of paid-in capital stock shall be  
 9 published for ~~two~~ ~~four~~ weeks in some newspaper published and of general  
 10 circulation in the county where such bank is located. Reduction of paid-  
 11 in capital stock shall be discretionary with the department, but shall be  
 12 denied if granting the same would reduce the paid-in capital stock below  
 13 the requirements of the Nebraska Banking Act or would impair the security  
 14 of the depositors. The bank shall notify the department when the proposed  
 15 increase or decrease of the paid-in capital stock has been consummated.

16 Sec. 3. Section 8-153, Reissue Revised Statutes of Nebraska, is  
 17 amended to read:

18 8-153 All checks, unless sent to banks as special collection items,  
 19 shall have preprinted the magnetically encoded routing and transit symbol  
 20 of the bank and either the name of the maker or the magnetically encoded  
 21 account number of the maker. Except for checks sent to banks as special  
 22 collection items or checks presented for payment by the payee in person,  
 23 all checks drawn on any bank organized under the laws of this state shall  
 24 be cleared at par by the bank on which they are drawn. The term at par  
 25 applies only to the settlement of checks between collecting and paying or  
 26 remitting banks and does not apply to or prohibit a bank from deducting a  
 27 fee from the face amount of the check for paying the check if the check  
 28 is presented to the bank by the payee in person.

29 Sec. 4. Section 8-1402, Revised Statutes Cumulative Supplement,  
 30 2014, is amended to read:

31 8-1402 (1) Any person, party, agency, or organization requesting  
 1 disclosure of records or information pursuant to section 8-1401 shall pay  
 2 the costs of providing such records or information, unless:

3 (a) The request for disclosure is made pursuant to subdivision (1)

4 (a) of section 8-1401 and a Nebraska Supreme Court rule provides for the  
 5 method of payment;

6 ~~(b)~~ The request is made pursuant to subdivision ~~(1)(b)~~ of section  
7 8-1401 and the rules for discovery provide for the method of payment;  
8 ~~(b e)~~ The request for disclosure is made pursuant to subdivision (1)  
9 ~~(d)~~ or ~~(1)(e)~~ of section 8-1401;  
10 ~~(c d)~~ Otherwise ordered by a court of competent jurisdiction; or  
11 ~~(d e)~~ The person making the disclosure waives any or all of the  
12 costs.  
13 ~~(2)(a)~~ The requesting person, party, agency, or organization shall  
14 pay five dollars per hour per person for the time actually spent on the  
15 service or, if such person can show that its actual expense in providing  
16 the records or information was greater than five dollars per hour per  
17 person, it shall be paid the actual cost of providing the records or  
18 information.  
19 ~~(b)~~ For purposes of this subsection, actual cost means:  
20 ~~(i)~~ Search and processing costs, including the total amount of  
21 personnel direct time incurred in locating and retrieving, reproducing,  
22 packaging, and preparing records or information for shipment or delivery.  
23 Search and processing costs may include the actual cost of extracting  
24 information stored by computer in the format in which it is normally  
25 produced, based on computer time and necessary supplies;  
26 ~~(ii)~~ Reproduction costs incurred in making copies of records or  
27 information requested. The rate for reproduction costs for making copies  
28 of requested records or information shall be the usual rate charged by  
29 the person making the disclosure to its customers for reproducing copies,  
30 including copies produced by reader-printer reproduction processes.  
31 Photographs, films, and other materials shall be reimbursed at actual  
1 cost; and  
2 ~~(iii)~~ Transportation costs, including transport of personnel to  
3 locate and retrieve the records or information requested and including  
4 all other reasonably necessary costs to convey the records or  
5 information.  
6 (3) No person authorized to receive payment pursuant to subsection  
7 (1) of this section has an obligation to provide any records or  
8 information pursuant to section 8-1401 until assurances are received that  
9 the costs due under this section will be paid, except for requests made  
10 pursuant to subdivisions (1)(d), (1)(e), (1)(f), and (1)(g) of section  
11 8-1401.  
12 Sec. 5. Original sections 8-116, 8-128, and 8-153, Reissue Revised  
13 Statutes of Nebraska, and section 8-1402, Revised Statutes Cumulative  
14 Supplement, 2014, are repealed.  
15 Sec. 6. Since an emergency exists, this act takes effect when passed  
16 and approved according to law.

(Signed) Jim Scheer, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 247.** Placed on Select File with amendment.

ER15

1 1. On page 1, line 3, strike "an interest rate specification  
2 reference" and insert "the interest rate for obligations arising under  
3 the Uniform Partnership Act of 1998".

**LEGISLATIVE BILL 219.** Placed on Select File with amendment.

ER16

1 1. On page 4, line 16; and page 11, line 25, before "law" insert  
2 "the".  
3 2. On page 7, line 29, strike "section" and insert "sections".  
4 3. On page 8, line 2, after "(c)" insert "of this section".  
5 4. On page 15, line 11, strike "this uniform act" and insert "the  
6 Uniform Deployed Parents Custody and Visitation Act"; in line 16 strike  
7 "section"; and in lines 17 and 19 strike the second occurrence of  
8 "section".

**LEGISLATIVE BILL 18.** Placed on Select File.**LEGISLATIVE BILL 18A.** Placed on Select File.**LEGISLATIVE BILL 109.** Placed on Select File with amendment.

ER17

1 1. On page 1, strike beginning with "requirements" in line 3 through  
2 "law" in line 4 and insert "provisions for veterans and their spouses and  
3 dependents and other eligible persons".

**LEGISLATIVE BILL 198.** Placed on Select File with amendment.

ER18

1 1. On page 1, line 4, after the semicolon insert "to define terms;".

**LEGISLATIVE BILL 118.** Placed on Select File with amendment.

ER14

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Section 28-1429.03, Revised Statutes Cumulative  
4 Supplement, 2014, is amended to read:  
5 28-1429.03 (1) Except as provided in subsection (2) of this section  
6 and section 28-1429.02, it shall be unlawful to sell or distribute  
7 cigarettes, cigars, vapor products, alternative nicotine products, or  
8 tobacco in any form whatever through a self-service display. Any person  
9 violating this section is guilty of a Class III misdemeanor. In addition,  
10 upon conviction for a second or subsequent offense within a twelve-month  
11 period, the court shall order a six-month suspension of the license  
12 issued under section 28-1421.  
13 (2) Cigarettes, cigars, vapor products, alternative nicotine

14 products, or tobacco in any form ~~whatever~~ may be sold or distributed in a  
15 self-service display that is located in a tobacco specialty store or  
16 cigar shop bar as defined in section 53-103.08.

17 Sec. 2. Section 53-103.08, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 53-103.08 Cigar shop bar means an establishment operated by a holder  
20 of a Class C liquor license which:

21 (1) Does not sell food;

22 (2) In addition to selling alcohol, annually receives ten percent or  
23 more of its gross revenue from the sale of cigars, ~~and~~ other tobacco  
24 products, and tobacco-related products, except from the sale of  
25 cigarettes as defined in section 69-2702. A cigar shop bar shall not  
26 discount alcohol if sold in combination with cigars or other tobacco  
27 products and tobacco-related products;

1 (3) Has a walk-in humididor on the premises; and

2 (4) Does not permit the smoking of cigarettes.

3 Sec. 3. Section 53-131, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5 53-131 (1) Any person desiring to obtain a new license to sell  
6 alcoholic liquor at retail, a craft brewery license, or a microdistillery  
7 license shall file with the commission:

8 (a) An application ~~in triplicate original~~ upon forms prescribed by  
9 the commission ~~prescribes~~, including the information required by  
10 subsection (3) of this section for an application to operate a cigar shop  
11 ~~bar~~;

12 (b) The license fee if under sections 53-124 and 53-124.01 such fee  
13 is payable to the commission, which fee shall be returned to the  
14 applicant if the application is denied; and

15 (c) The nonrefundable application fee in the sum of four hundred  
16 dollars, except that the nonrefundable application fee for an application  
17 for a cigar shop bar shall be one thousand dollars.

18 (2) The commission shall notify the clerk of the city or village in  
19 which such license is sought or, if the license sought is not sought  
20 within a city or village, the county clerk of the county in which such  
21 license is sought, of the receipt of the application and shall include  
22 one copy of the application with the notice. No such license shall be  
23 issued or denied by the commission until the expiration of the time  
24 allowed for the receipt of a recommendation of denial or an objection  
25 requiring a hearing under subdivision (1)(a) or (b) of section 53-133.  
26 During the period of forty-five days after the date of receipt by mail or  
27 electronic delivery of such application from the commission, the local  
28 governing body of such city, village, or county may make and submit to  
29 the commission recommendations relative to the granting or refusal to  
30 grant such license to the applicant.

31 (3) For an application to operate a cigar shop bar, the application  
1 shall include proof of the cigar shop's bar's annual gross revenue as  
2 requested by the commission and such other information as requested by  
3 the commission to establish the intent to operate as a cigar shop bar.

4 The commission may adopt and promulgate rules and regulations to regulate

5 cigar shops. The rules and regulations existing on August 1, 2014,  
6 applicable to cigar bars shall apply to cigar shops until amended or  
7 repealed by the commission bars.

8 (4) For renewal of a license under this section, a licensee shall  
9 file with the commission an application, the license fee as provided in  
10 subdivision (1)(b) of this section, and a renewal fee of forty-five  
11 dollars.

12 Sec. 4. Section 53-1,120.01, Reissue Revised Statutes of Nebraska,  
13 is amended to read:

14 53-1,120.01 (1) No county resolution or city ordinance that  
15 prohibits smoking in indoor areas shall apply to cigar shops bars.

16 (2)(a) The Legislature finds that allowing smoking in cigar shops as  
17 a limited exception to the Nebraska Clean Indoor Air Act does not  
18 interfere with the original intent that the general public and employees  
19 not be unwillingly subjected to second-hand smoke since employees have  
20 ample other opportunities for similar employment at other establishments.  
21 This exception poses a de minimis restriction on the public and employees  
22 given the limited number of cigar shops compared to other businesses that  
23 sell alcohol, cigars, and pipe tobacco, and any member of the public  
24 should reasonably expect that there would be second-hand smoke in a cigar  
25 shop given the nature of the business and could choose to avoid such  
26 exposure.

27 (b) The Legislature finds that (i) cigars and pipe tobacco have  
28 different characteristics than other forms of tobacco such as cigarettes,  
29 (ii) cigar aficionados often pair cigars with various spirits such as  
30 cognac, single malt whisky, bourbon, rum, rye, port, and others, and  
31 (iii) unlike cigarette smokers, cigar and pipe smokers may take an hour  
1 or longer to enjoy a cigar or pipe rather than simply satisfying an  
2 addiction. Cigar shops are a variation of a tobacco retail outlet, which  
3 has a liquor license. The issue of whether a liquor license shall be  
4 granted to a cigar shop is an entirely separate issue that deals with an  
5 entirely separate chapter of state law. Whether a liquor license is  
6 granted is at the recommendation of the local governing body and the  
7 discretion of the Nebraska Liquor Control Commission.

8 (c) It is the intent of the Legislature to allow cigar and pipe  
9 smoking in cigar shops that meet specific statutory criteria. This  
10 exception to the Nebraska Clean Indoor Air Act is narrowly tailored in  
11 accordance with the intent of the act to protect public places and places  
12 of employment.

13 (3)(a) The Legislature finds that allowing smoking in tobacco retail  
14 outlets as a limited exception to the Nebraska Clean Indoor Air Act does  
15 not interfere with the original intent that the general public and  
16 employees not be unwillingly subjected to second-hand smoke since  
17 employees have ample other opportunities for similar employment at other  
18 establishments and the general public would not frequent those  
19 establishments and should reasonably expect that there would be second-  
20 hand smoke in a tobacco retail outlet and could choose to avoid such  
21 exposure. The products that tobacco retail outlets sell are legal for  
22 customers who meet the age requirement. Customers should be able to try

23 them within the tobacco retail outlet, especially given the way that  
24 tobacco customization may occur in how tobacco is blended and cigars are  
25 produced.

26 (b) It is the intent of the Legislature to allow smoking in tobacco  
27 retail outlets that meet specific statutory criteria. This exception to  
28 the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with  
29 the intent of the act to protect public places and places of employment.  
30 Sec. 5. Section 71-5717, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1 71-5717 The purpose of the Nebraska Clean Indoor Air Act is to  
2 protect the public health and welfare by prohibiting smoking in public  
3 places and places of employment with limited exceptions for guestrooms  
4 and suites, research, tobacco retail outlets, and cigar shops. The  
5 limited exceptions permit smoking in public places where the public would  
6 reasonably expect to find persons smoking, including guestrooms and  
7 suites which are subject to expectations of privacy like private  
8 residences, institutions engaged in research related to smoking, and  
9 tobacco retail outlets and cigar shops which provide the public legal  
10 retail outlets to sample, use, and purchase tobacco products and products  
11 related to smoking. The act shall not be construed to prohibit or  
12 otherwise restrict smoking in outdoor areas. The act shall not be  
13 construed to permit smoking where it is prohibited or otherwise  
14 restricted by other applicable law, ordinance, or resolution. The act  
15 shall be liberally construed to further its purpose.

16 Sec. 6. Section 71-5730, Revised Statutes Cumulative Supplement,  
17 2014, is amended to read:

18 71-5730 (1) The following indoor areas are exempt from section  
19 71-5729:

20 (a 4) Guestrooms and suites that are rented to guests and that are  
21 designated as smoking rooms, except that not more than twenty percent of  
22 rooms rented to guests in an establishment may be designated as smoking  
23 rooms. All smoking rooms on the same floor shall be contiguous, and smoke  
24 from such rooms shall not infiltrate into areas where smoking is  
25 prohibited under the Nebraska Clean Indoor Air Act;

26 (b 2) Indoor areas used in connection with a research study on the  
27 health effects of smoking conducted in a scientific or analytical  
28 laboratory under state or federal law or at a college or university  
29 approved by the Coordinating Commission for Postsecondary Education;  
30 (c 3) Tobacco retail outlets; and

31 (d 4) Cigar shops ~~bars~~ as defined in section 53-103.08.

1 (2)(a) The Legislature finds that allowing smoking in cigar shops as  
2 a limited exception to the Nebraska Clean Indoor Air Act does not  
3 interfere with the original intent that the general public and employees  
4 not be unwillingly subjected to second-hand smoke since employees have  
5 ample other opportunities for similar employment at other establishments.  
6 This exception poses a de minimis restriction on the public and employees  
7 given the limited number of cigar shops compared to other businesses that  
8 sell alcohol, cigars, and pipe tobacco, and any member of the public  
9 should reasonably expect that there would be second-hand smoke in a cigar

10 shop given the nature of the business and could choose to avoid such  
11 exposure.  
12 (b) The Legislature finds that (i) cigars and pipe tobacco have  
13 different characteristics than other forms of tobacco such as cigarettes,  
14 (ii) cigar aficionados often pair cigars with various spirits such as  
15 cognac, single malt whisky, bourbon, rum, rye, port, and others, and  
16 (iii) unlike cigarette smokers, cigar and pipe smokers may take an hour  
17 or longer to enjoy a cigar or pipe rather than simply satisfying an  
18 addiction. Cigar shops are a variation of a tobacco retail outlet, which  
19 has a liquor license. The issue of whether a liquor license shall be  
20 granted to a cigar shop is an entirely separate issue that deals with an  
21 entirely separate chapter of state law. Whether a liquor license is  
22 granted is at the recommendation of the local governing body and the  
23 discretion of the Nebraska Liquor Control Commission.  
24 (c) It is the intent of the Legislature to allow cigar and pipe  
25 smoking in cigar shops that meet specific statutory criteria. This  
26 exception to the Nebraska Clean Indoor Air Act is narrowly tailored in  
27 accordance with the intent of the act to protect public places and places  
28 of employment.  
29 (3)(a) The Legislature finds that allowing smoking in tobacco retail  
30 outlets as a limited exception to the Nebraska Clean Indoor Air Act does  
31 not interfere with the original intent that the general public and  
1 employees not be unwillingly subjected to second-hand smoke since  
2 employees have ample other opportunities for similar employment at other  
3 establishments and the general public would not frequent those  
4 establishments and should reasonably expect that there would be second-  
5 hand smoke in a tobacco retail outlet and could choose to avoid such  
6 exposure. The products that tobacco retail outlets sell are legal for  
7 customers who meet the age requirement. Customers should be able to try  
8 them within the tobacco retail outlet, especially given the way that  
9 tobacco customization may occur in how tobacco is blended and cigars are  
10 produced.  
11 (b) It is the intent of the Legislature to allow smoking in tobacco  
12 retail outlets that meet specific statutory criteria. This exception to  
13 the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with  
14 the intent of the act to protect public places and places of employment.  
15 Sec. 7. If any section in this act or any part of any section is  
16 declared invalid or unconstitutional, the declaration shall not affect  
17 the validity or constitutionality of the remaining portions.  
18 Sec. 8. Original sections 53-103.08, 53-1,120.01, and 71-5717,  
19 Reissue Revised Statutes of Nebraska, and sections 28-1429.03, 53-131,  
20 and 71-5730, Revised Statutes Cumulative Supplement, 2014, are repealed.  
21 Sec. 9. Since an emergency exists, this act takes effect when  
22 passed and approved according to law.  
23 2. On page 1, strike beginning with "cigar" in line 1 through line  
24 10 and insert "regulated establishments; to amend sections 53-103.08,  
25 53-1,120.01, and 71-5717, Reissue Revised Statutes of Nebraska, and  
26 sections 28-1429.03, 53-131, and 71-5730, Revised Statutes Cumulative  
27 Supplement, 2014; to define cigar shop; to permit certain sales as



28 prescribed; to provide for a nonrefundable application fee; to provide  
29 and change requirements for certain liquor license applications; to  
30 preempt county resolutions and city ordinances relating to smoking in  
31 cigar shops; to state and restate intent; to exempt retail tobacco  
1 outlets and cigar shops from the Nebraska Clean Indoor Air Act; to  
2 harmonize provisions; to provide severability; to repeal the original  
3 sections; and to declare an emergency."

(Signed) Matt Hansen, Chairperson

**MOTION - Print in Journal**

Senator Johnson filed the following motion to LB262:  
MO25  
Withdraw bill.

**MESSAGE(S) FROM THE GOVERNOR**

February 5, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being  
reappointed to the Boiler Safety Code Advisory Board:

Steven Bley, 8609 Highway 1, Newhawka, NE 68413  
Robert Kirkpatrick, 6315 Huntington Avenue, Lincoln, NE 68507  
Thomas E. Phipps, 3724 North 10 Street, Omaha, NE 68134

The aforementioned appointees are respectfully submitted for your  
consideration. Copies of the certificates and background information are  
included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosure

February 2, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Liquor Control Commission:

Bruce D. Bailey, 1710 Surfside Drive, Lincoln, NE 68528

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosure

February 5, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Power Review Board:

Frank J. Reida, 1122 Turner Blvd., Omaha, NE 68105

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosure

February 5, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being

reappointed to the Board of Trustees of the Nebraska State Colleges:

Michelle Suarez, 2427 Woodsdale Blvd., Lincoln, NE 68502  
Jess D. Zeiss, 1517 S. 109 Street, Omaha, NE 68144

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosure

February 3, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Game and Parks Commission:

Norris Marshall, 186 W. Road, Kearney, NE 68845

Contingent upon your approval, the following individual is being appointed to the Nebraska Game and Parks Commission:

Robert Allen, 1 Plum Creek Canyon Dr. 12G, Eustis, NE 69028

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosure

#### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 5, 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

Jarecke, Kate Kulesher - Advocacy and Issue Management Inc.  
Brain Injury Association of Nebraska  
O'Hara Lindsay & Associates, Inc.  
Gracie Technologies LLC  
Ourada, Mark  
American Coalition for Clean Coal Electricity  
Pollock, Andy  
Enterprise Nebraska  
Potter, Cara E.  
CVS Health

### 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>

#### AMENDMENT(S) - Print in Journal

Senator Bloomfield filed the following amendment to LB88:  
AM184

1 1. On page 2, line 16, strike "sixteen" and insert "eight"; and  
2 after "dollars" insert "and fifty cents".

#### MOTION(S) - Confirmation Report(s)

Senator Gloor moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 339:

Department of Revenue  
Ruth A. Sorensen, Property Tax Administrator

Voting in the affirmative, 32:

Coash	Hansen	Kolterman	Pansing Brooks	Stinner
Crawford	Harr, B.	Krist	Riepe	Sullivan
Ebke	Hilkemann	Lindstrom	Scheer	Watermeier
Friesen	Howard	McCoy	Schnoor	Williams
Garrett	Hughes	Mello	Schumacher	
Gloor	Johnson	Murante	Seiler	
Hadley	Kolowski	Nordquist	Smith	

Voting in the negative, 0.

Present and not voting, 12:

Baker	Chambers	Kintner	McCollister
Bloomfield	Craighead	Kuehn	Morfeld
Brasch	Groene	Larson	Schilz

Excused and not voting, 5:

Bolz	Campbell	Cook	Davis	Haar, K.
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The appointment was confirmed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 391:

State Emergency Response Commission  
 Tim Hofbauer  
 Dana Miller

Voting in the affirmative, 35:

Baker	Garrett	Johnson	McCoy	Schnoor
Bloomfield	Gloor	Kintner	Mello	Schumacher
Bolz	Haar, K.	Kolowski	Murante	Seiler
Brasch	Hadley	Kolterman	Nordquist	Smith
Craighead	Hansen	Kuehn	Pansing Brooks	Sullivan
Crawford	Hilkemann	Larson	Riepe	Watermeier
Ebke	Howard	Lindstrom	Scheer	Williams

Voting in the negative, 0.

Present and not voting, 11:

Chambers	Groene	Krist	Schilz
Coash	Harr, B.	McCollister	Stinner
Friesen	Hughes	Morfeld	

Excused and not voting, 3:

Campbell	Cook	Davis
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The appointments were confirmed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 391:

Nebraska Tourism Commission  
Carol E. Schlegel

Voting in the affirmative, 37:

Baker	Friesen	Hughes	Mello	Seiler
Bloomfield	Garrett	Johnson	Murante	Smith
Bolz	Gloor	Kolowski	Nordquist	Sullivan
Brasch	Groene	Kolterman	Pansing Brooks	Watermeier
Chambers	Haar, K.	Larson	Riepe	Williams
Craighead	Hadley	Lindstrom	Scheer	
Crawford	Hansen	McCollister	Schnoor	
Ebke	Hilkemann	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 9:

Coash	Howard	Krist	Morfeld	Stinner
Harr, B.	Kintner	Kuehn	Schilz	

Excused and not voting, 3:

Campbell	Cook	Davis
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The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 392:

Military Department  
Daryl L. Bohac, Adjutant General

Voting in the affirmative, 37:

Baker	Garrett	Johnson	Morfeld	Smith
Bloomfield	Gloor	Kintner	Murante	Stinner
Brasch	Haar, K.	Kolterman	Nordquist	Sullivan
Chambers	Hadley	Kuehn	Pansing Brooks	Watermeier
Craighead	Hansen	Larson	Riepe	Williams
Crawford	Hilkemann	Lindstrom	Schnoor	
Ebke	Howard	McCoy	Schumacher	
Friesen	Hughes	Mello	Seiler	

Voting in the negative, 0.

Present and not voting, 9:

Bolz	Groene	Kolowski	McCollister	Schilz
Coash	Harr, B.	Krist	Scheer	

Excused and not voting, 3:

Campbell      Cook              Davis

The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 392:

Department of Veterans Affairs  
John Hilgert, Director

Voting in the affirmative, 39:

Baker	Friesen	Hughes	Lindstrom	Scheer
Bloomfield	Garrett	Johnson	McCollister	Schnoor
Bolz	Groene	Kintner	Mello	Seiler
Brasch	Haar, K.	Kolowski	Morfeld	Smith
Chambers	Hadley	Kolterman	Murante	Stinner
Craighead	Hansen	Krist	Nordquist	Watermeier
Crawford	Hilkemann	Kuehn	Pansing Brooks	Williams
Ebke	Howard	Larson	Riepe	

Voting in the negative, 0.

Present and not voting, 7:

Coash	Harr, B.	Schilz	Sullivan
Gloor	McCoy	Schumacher	

Excused and not voting, 3:

Campbell      Cook              Davis

The appointment was confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 392:

State Fire Marshal  
Jim Heine

Voting in the affirmative, 38:

Baker	Friesen	Johnson	McCollister	Seiler
Bloomfield	Garrett	Kintner	Mello	Smith
Bolz	Gloor	Kolowski	Morfeld	Stinner
Brasch	Haar, K.	Kolterman	Murante	Sullivan
Chambers	Hansen	Krist	Nordquist	Watermeier
Craighead	Hilkemann	Kuehn	Pansing Brooks	Williams
Crawford	Howard	Larson	Riepe	
Ebke	Hughes	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 8:

Coash	Hadley	McCoy	Schilz
Groene	Harr, B.	Scheer	Schumacher

Excused and not voting, 3:

Campbell	Cook	Davis
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The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 392:

State Personnel Board  
Samuel Seever  
Christopher Waddle

Voting in the affirmative, 38:

Baker	Garrett	Johnson	Mello	Seiler
Bloomfield	Gloor	Kintner	Morfeld	Smith
Bolz	Haar, K.	Kolowski	Murante	Stinner
Chambers	Hadley	Krist	Nordquist	Sullivan
Craighead	Hansen	Kuehn	Pansing Brooks	Watermeier
Crawford	Hilkemann	Larson	Riepe	Williams
Ebke	Howard	Lindstrom	Scheer	
Friesen	Hughes	McCollister	Schnoor	



Voting in the negative, 0.

Present and not voting, 8:

Brasch	Groene	Kolterman	Schilz
Coash	Harr, B.	McCoy	Schumacher

Excused and not voting, 3:

Campbell	Cook	Davis
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The appointments were confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 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 397:

Nebraska State Fair Board  
William Marshall III

Voting in the affirmative, 38:

Baker	Friesen	Howard	McCollister	Seiler
Bloomfield	Garrett	Johnson	Mello	Smith
Bolz	Gloor	Kintner	Morfeld	Sinner
Brasch	Haar, K.	Kolowski	Murante	Sullivan
Chambers	Hadley	Kolterman	Nordquist	Watermeier
Craighead	Hansen	Krist	Riepe	Williams
Crawford	Harr, B.	Kuehn	Scheer	
Ebke	Hilkemann	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 8:

Coash	Hughes	McCoy	Schilz
Groene	Larson	Pansing Brooks	Schumacher

Excused and not voting, 3:

Campbell	Cook	Davis
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The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 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 397:

Department of Agriculture  
Greg Ibach, Director

Voting in the affirmative, 29:

Brasch	Hadley	Krist	Murante	Smith
Ebke	Hilkemann	Kuehn	Nordquist	Stinner
Friesen	Hughes	Larson	Riepe	Sullivan
Garrett	Johnson	McCollister	Scheer	Watermeier
Gloor	Kintner	Mello	Schumacher	Williams
Groene	Kolterman	Morfeld	Seiler	

Voting in the negative, 2:

Chambers      Howard

Present and not voting, 15:

Baker	Coash	Haar, K.	Kolowski	Pansing Brooks
Bloomfield	Craighead	Hansen	Lindstrom	Schilz
Bolz	Crawford	Harr, B.	McCoy	Schnoor

Excused and not voting, 3:

Campbell      Cook              Davis

The appointment was confirmed with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 402:

Nebraska Investment Council  
John Dinkel

Voting in the affirmative, 33:

Baker	Gloor	Johnson	Mello	Schumacher
Bloomfield	Groene	Kintner	Morfeld	Seiler
Brasch	Haar, K.	Kolterman	Murante	Smith
Crawford	Hadley	Krist	Nordquist	Stinner
Ebke	Hansen	Kuehn	Pansing Brooks	Sullivan
Friesen	Hilkemann	Lindstrom	Riepe	
Garrett	Howard	McCollister	Scheer	

Voting in the negative, 0.

Present and not voting, 13:

Bolz	Craighead	Kolowski	Schilz	Williams
Chambers	Harr, B.	Larson	Schnoor	
Coash	Hughes	McCoy	Watermeier	

Excused and not voting, 3:

Campbell      Cook              Davis

The appointment was confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

#### **AMENDMENT(S) - Print in Journal**

Senator Mello filed the following amendment to LB430:

AM242

- 1 1. Insert the following new section:
- 2 Sec. 3. Of the unexpended General Fund appropriation balance
- 3 existing in Agency 25, Program 347, on June 30, 2014, reappropriated to
- 4 such program, \$7,000,000 is hereby reappropriated to Agency 25, Program
- 5 354 - Child Welfare Aid.
- 6 2. Renumber the remaining sections accordingly.

#### **NOTICE OF COMMITTEE HEARING(S)**

Appropriations

Room 1003

Tuesday, February 17, 2015 1:30 p.m.

AM242 to LB430

(Signed) Heath Mello, Chairperson

#### **COMMITTEE REPORT(S)**

Natural Resources

The Natural Resources 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.

Joel G. Christensen - Nebraska Natural Resources Commission

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 272.** Considered.

Senator Garrett offered the following amendment:

AM137

1 1. On page 2, strike beginning with "a" in line 18 through "veteran"  
2 in line 21 and insert "proof of marriage to the veteran, and either (a) a  
3 copy of the veteran's disability verification from the United States  
4 Department of Veterans Affairs demonstrating a one hundred percent  
5 permanent disability rating or (b) a copy of the veteran's Department of  
6 Defense Form 1300 or its successor form documenting that the veteran was  
7 killed in hostile action".

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

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 305.** Title read. Considered.

Committee AM112, found on page 352, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 23.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

**NOTICE OF COMMITTEE HEARING(S)**

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 18, 2015 1:30 p.m.

LB214

LB367

LB368

LB577

Thursday, February 19, 2015 1:30 p.m.

LB291  
LB166  
LB400  
LB640

Friday, February 20, 2015 1:30 p.m.

Ronnie Mitchell - Department of Aeronautics  
LB465  
LB479  
LB562  
LR26CA

Wednesday, February 25, 2015 1:30 p.m.

LB541  
LB646  
LB649  
LB273  
LR35

Thursday, February 26, 2015 1:30 p.m.

LB462  
LB571  
LB140  
LB202

Friday, February 27, 2015 1:30 p.m.

LB308  
LB588  
LB383  
LB491

(Signed) John Murante, Chairperson

#### **GENERAL FILE**

**LEGISLATIVE BILL 107.** Title read. Considered.

Senator Gloor moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 8 present and not voting, and 4 excused and not voting.

**COMMITTEE REPORT(S)**

General Affairs

**LEGISLATIVE BILL 439.** Placed on General File.**LEGISLATIVE BILL 179.** Placed on General File with amendment.

AM237

1 1. On page 4, line 3, strike "reduction" and insert "increase".

(Signed) Tyson Larson, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Room 1113

Wednesday, February 18, 2015 1:30 p.m.

LB113  
LB425  
LB426  
LB545

Thursday, February 19, 2015 1:30 p.m.

LB406  
LB415  
LB316

Friday, February 20, 2015 1:30 p.m.

LB598  
LB592  
LB605  
LB606

Wednesday, February 25, 2015 1:30 p.m.

LB25  
LB212  
LB482  
LB292

Thursday, February 26, 2015 1:30 p.m.

LB566  
LB13  
LB15  
LB347  
LB502

Friday, February 27, 2015 1:30 p.m.

LB307  
LB433  
LB612  
LB302  
LB265

Wednesday, March 4, 2015 1:30 p.m.

LB354  
LB459  
LB294  
LB268

Thursday, March 5, 2015 1:30 p.m.

LB195  
LB254  
LB327  
LB620

Friday, March 6, 2015 1:30 p.m.

LB643  
LB390  
LB546  
LB326

Wednesday, March 11, 2015 1:30 p.m.

LB362  
LB473

Thursday, March 12, 2015 1:30 p.m.

LB281  
LB437  
LB497  
LB625

Wednesday, March 18, 2015 1:30 p.m.

LB422  
LB114  
LB187  
LB358  
LB463

Thursday, March 19, 2015 1:30 p.m.

LB136  
LB289  
LB30  
LB14  
LB603

Friday, March 20, 2015 1:30 p.m.

LB225  
LB340  
LB635  
LB638

(Signed) Les Seiler, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Krist - LB114

**VISITORS**

Visitors to the Chamber were Audrey and Richard Kauders from Kearney; James, Anne, and Robert Moseman from Oakland; Gerald and Linda Vogel and Elizabeth Davis from Norfolk; Jan With and Doris Nelson from Norfolk.

The Doctor of the Day was Dr. Doug Dunning from Omaha.

**ADJOURNMENT**

At 11:55 a.m., on a motion by Senator Craighead, the Legislature adjourned until 10:00 a.m., Monday, February 9, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature