

FOURTEENTH DAY - JANUARY 26, 2016**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 26, 2016

PRAYER

The prayer was offered by Pastor Darin Bentzinger, Panama Presbyterian Church, Panama.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Scheer presiding.

The roll was called and all members were present except Senator Coash who was excused; and Senators Bolz, Campbell, Craighead, Davis, Hansen, Mello, Morfeld, Pansing Brooks, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

COMMITTEE REPORT(S)

Natural Resources

The Natural Resources 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.

Jeff Fassett, Director - Department of Natural Resources

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

(Signed) Ken Schilz, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Wednesday, February 3, 2016 1:30 p.m.

LB902

Thursday, February 4, 2016 1:30 p.m.

LB736

LB863

Friday, February 5, 2016 1:30 p.m.

LB887

LB897

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 665. Placed on Select File.**LEGISLATIVE BILL 666.** Placed on Select File.**LEGISLATIVE BILL 667.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

MOTION - Withdraw LB926

Senator B. Harr offered his motion, MO166, found on page 407, to withdraw LB926.

The B. Harr motion to withdraw the bill prevailed with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

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 392:

Department of Revenue
Tony Fulton, Tax Commissioner

Voting in the affirmative, 37:

Baker	Fox	Howard	Murante	Smith
Bloomfield	Friesen	Hughes	Pansing Brooks	Stinner
Brasch	Garrett	Johnson	Riepe	Sullivan
Chambers	Gloor	Kintner	Scheer	Watermeier
Cook	Groene	Kolowski	Schilz	Williams
Crawford	Haar, K.	Kuehn	Schnoor	
Davis	Hadley	Lindstrom	Schumacher	
Ebke	Harr, B.	Morfeld	Seiler	

Voting in the negative, 0.

Present and not voting, 6:

Hilkemann	Krist	McCollister
Kolterman	Larson	McCoy

Excused and not voting, 6:

Bolz	Coash	Hansen
Campbell	Craighead	Mello

The appointment was confirmed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 392:

Game and Parks Commission
Dan C. Kreitman

Voting in the affirmative, 33:

Baker	Ebke	Hadley	Lindstrom	Schumacher
Bloomfield	Fox	Hansen	Morfeld	Seiler
Brasch	Friesen	Hilkemann	Pansing Brooks	Stinner
Chambers	Garrett	Hughes	Riepe	Sullivan
Cook	Gloor	Johnson	Scheer	Williams
Crawford	Groene	Kintner	Schilz	
Davis	Haar, K.	Kolowski	Schnoor	

Voting in the negative, 0.

Present and not voting, 11:

Harr, B.	Krist	McCollister	Smith
Howard	Kuehn	McCoy	Watermeier
Kolterman	Larson	Murante	

Excused and not voting, 5:

Bolz	Campbell	Coash	Craighead	Mello
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The appointment was confirmed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 392:

Nebraska Ethanol Board
 Timothy L. Else
 Jan Tenbenschel

Voting in the affirmative, 36:

Baker	Crawford	Hansen	McCollister	Stinner
Bloomfield	Fox	Hilkemann	Pansing Brooks	Sullivan
Bolz	Friesen	Howard	Scheer	Watermeier
Brasch	Garrett	Hughes	Schilz	Williams
Campbell	Gloor	Johnson	Schnoor	
Chambers	Groene	Kintner	Schumacher	
Cook	Haar, K.	Kolowski	Seiler	
Craighead	Hadley	Kolterman	Smith	

Voting in the negative, 0.

Present and not voting, 12:

Davis	Krist	Lindstrom	Morfeld
Ebke	Kuehn	McCoy	Murante
Harr, B.	Larson	Mello	Riepe

Excused and not voting, 1:

Coash

The appointments were confirmed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 289. Senator Chambers renewed his motion, MO165, found on page 397 and considered on page 406, to recommit to Judiciary Committee.

PRESIDENT FOLEY PRESIDING

Senator Groene moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 3 nays, 15 present and not voting, and 1 excused and not voting.

Senator Kintner moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator Kintner requested a roll call vote on the Chambers motion to recommit to committee.

Voting in the affirmative, 10:

Campbell	Haar, K.	Howard	Pansing Brooks	Seiler
Cook	Hansen	Krist	Schumacher	Sullivan

Voting in the negative, 31:

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

Present and not voting, 7:

Baker	Chambers	Kolowski	Morfeld
Bolz	Harr, B.	Mello	

Excused and not voting, 1:

Coash

The Chambers motion to recommit to committee failed with 10 ayes, 31 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Adam, Colleen - Coordinating Commission for Postsecondary Education - Education
Derr, J. Russell - Public Employees Retirement Board - Nebraska Retirement Systems
Hunter, Ronald - Coordinating Commission for Postsecondary Education - Education
Petz, Jeffery T. - Nebraska Accountability and Disclosure Commission - Government, Military and Veterans Affairs
Propp, Margaret - Commission for the Deaf and Hard of Hearing - Health and Human Services
Seiler, Peter - Commission for the Deaf and Hard of Hearing - Health and Human Services

(Signed) Bob Krist, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)
Revenue

Room 1524

Wednesday, February 3, 2016 1:30 p.m.

LB889
LB886
LB907
LB951

Thursday, February 4, 2016 1:30 p.m.

LB958
LB717
LB940

(Signed) Mike Gloor, Chairperson

Appropriations

Room 1003

Thursday, February 4, 2016 1:30 p.m.

Agency 16 - Revenue, Department of
Agency 65 - Administrative Services, Department of
Agency 71 - Nebraska Energy Office
Agency 85 - Public Employees Retirement Board, Nebraska
Agency 93 - Tax Equalization and Review Commission
LB809

Friday, February 5, 2016 1:30 p.m.

Agency 11 - Attorney General
LB1006
LB1017
LB1028
LB1091

Room 1524

Monday, February 8, 2016 1:30 p.m.

Agency 25 - Health and Human Services
LB911
LB923
LB931
LB988
LB1030
LB1093

Tuesday, February 9, 2016 1:30 p.m.

Agency 13 - Education, Department of
LB800
LB838
LB1053
LB1074

Room 1003

Wednesday, February 10, 2016 1:30 p.m.

Agency 78 - Nebraska Commission on Law Enforcement and Criminal
Justice
Agency 46 - Correctional Services, Department of
LB733

Thursday, February 11, 2016 1:30 p.m.

Agency 9 - Secretary of State
Agency 10 - Auditor of Public Accounts
Agency 14 - Public Service Commission
Agency 24 - Motor Vehicles, Department of
LB715
LB789
LB1018

Room 1524

Tuesday, February 16, 2016 1:30 p.m.

Agency 27 - Roads, Department of
LB960

(Signed) Heath Mello, Chairperson

GENERAL FILE

LEGISLATIVE BILL 289. Senator Chambers offered the following motion:

MO167

Reconsider the vote taken to recommit to committee.

Pending.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 731. Placed on General File.

LEGISLATIVE BILL 853. Placed on General File.

LEGISLATIVE BILL 778. Placed on General File with amendment.

AM1874

1 1. On page 7, strike lines 1 and 2 and insert the following new
2 subdivision:

3 "(b) Control in the case of any other entity means (i) the power,
4 directly or indirectly, to direct the management of policies of the
5 entity, (ii) the contribution of twenty-five percent or more of the
6 capital of the entity; or (iii) the right to receive, upon dissolution,
7 twenty-five percent or more of the capital of the entity."

(Signed) Jim Scheer, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Transportation and Telecommunications

Room 1113

Tuesday, February 9, 2016 1:30 p.m.

LB996 (cancel)

Monday, February 8, 2016 1:30 p.m.

LB996

Tuesday, February 23, 2016 1:30 p.m.

LB1068

(Signed) Jim Smith, Chairperson

Health and Human Services

Room 1510

Wednesday, February 3, 2016 1:30 p.m.

LB818

LB684

LB866

Thursday, February 4, 2016 1:00 p.m.

Annual Committee Briefing by DHHS Division of Developmental
Disabilities

Courtney L. Miller - Department of Health and Human Services

LB895

LB1039

LB1033

Friday, February 5, 2016 1:30 p.m.

LB979

LB962

LB963

(Signed) Kathy Campbell, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 423. Introduced by Kolterman, 24; Chambers, 11.

WHEREAS, Elaine and Boyd ("Bud") Stuhr celebrated their 60th wedding anniversary on January 20, 2016; and

WHEREAS, Elaine and Bud were married January 20, 1956, at Zion Lutheran Church in Thayer; and

WHEREAS, Elaine and Bud became parents to two daughters, Cynthia and Teresa, and one son, Boyd Jr. Elaine and Bud also have six grandchildren and two great-grandchildren; and

WHEREAS, Elaine served as a state senator in the Nebraska Legislature from 1995 to 2007 and has dedicated her life to public service.

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

1. That the Legislature congratulates Elaine and Bud Stuhr on their 60th wedding anniversary and thanks Elaine for her service to this state.
2. That a copy of this resolution be sent to Elaine and Bud Stuhr.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB289:
AM1915

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

2 section:

3 Section 1. (1) Notwithstanding any other provision of any law or any

4 rule or regulation of this state or any political subdivision thereof,

5 any person who is not otherwise prohibited from transporting, shipping,

6 or receiving a firearm shall be entitled to transport a firearm for any

7 lawful purpose from any place where he or she may lawfully possess and

8 carry such firearm to any other place where he or she may lawfully

9 possess and carry such firearm, subject to the requirements in subsection

10 (2) of this section.

11 (2) This section shall apply if, during such transportation, the

12 firearm is unloaded, and neither the firearm nor any ammunition being

13 transported is readily accessible or is directly accessible from the

14 passenger compartment of such transporting vehicle. In the case of a

15 vehicle without a compartment separate from the driver's compartment, the

16 firearm or ammunition shall be contained in a locked container other than

17 the glove compartment or console.

Senator Mello filed the following amendment to LB289:

AM1910

1 1. Strike original sections 1 and 2.

2 2. On page 17, after line 3, insert the following new subsection:

3 "(5) This section shall not apply to any city of the metropolitan
 4 class or city of the primary class."
 5 3. Renumber the remaining sections and correct the repealer
 6 accordingly.

Senator Mello filed the following amendment to LB289:
 AM1918

1 1. Strike original sections 1 and 2.
 2 2. On page 17, after line 3, insert the following new subsection:
 3 "(5) This section shall not apply to any city of the metropolitan
 4 class or city of the primary class."
 5 3. Renumber the remaining sections and correct the repealer
 6 accordingly.

Senator Johnson filed the following amendment to LB136:
 AM1768

1 1. Insert the following new section:
 2 Sec. 4. Since an emergency exists, this act takes effect when passed
 3 and approved according to law.

Senator Smith filed the following amendment to LB977:
 AM1895

1 1. On page 2, line 9, after "(2)" insert "An implement of husbandry
 2 being operated on any highway of this state shall not cross any bridge or
 3 culvert in which the vehicle axle, axle groupings, or gross weight
 4 exceeds the limits established in subsections (2), (3), and (4) of
 5 section 60-6.294, or weight limits established by bridge postings.
 6 (3)".

NOTICE OF COMMITTEE HEARING(S)
 Health and Human Services

Room 1510

Wednesday, February 3, 2016 1:30 p.m.

LB802

(Signed) Kathy Campbell, Chairperson

VISITOR(S)

Visitor to the Chamber was Ryan Bergh from Omaha.

The Doctor of the Day was Dr. David Hoelting from Pender.

MOTION - Recess

Senator Chambers moved to recess until 12:30 p.m.

The motion failed.

MOTION - Adjournment

Senator Seiler moved to adjourn until 9:00 a.m., Wednesday, January 27, 2016.

Senator Chambers moved for a call of the house. The motion failed with 15 ayes, 18 nays, 11 present and not voting, and 5 excused and not voting.

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

The Seiler motion to adjourn prevailed with 17 ayes, 8 nays, 19 present and not voting, and 5 excused and not voting, and at 12:04 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, January 27, 2016.

Patrick J. O'Donnell
Clerk of the Legislature