

**THIRTY-FOURTH DAY - FEBRUARY 29, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 29, 2016

**PRAYER**

The prayer was offered by Senator Crawford.

**ROLL CALL**

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

The roll was called and all members were present except Senator Campbell who was excused; and Senators Kuehn, Lindstrom, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-third day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 447.** Placed on Select File with amendment.  
ER174 is available in the Bill Room.

**LEGISLATIVE BILL 447A.** Placed on Select File.

**LEGISLATIVE BILL 897.** Placed on Select File with amendment.  
ER173

1 1. On page 1, line 1, after the first semicolon insert "to amend  
2 section 10-1103, Reissue Revised Statutes of Nebraska;"; in line 3 strike  
3 "and"; and in line 4 after "Statutes" insert "; and to repeal the  
4 original section".

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 1037.** Placed on General File.

(Signed) Mike Gloor, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 440, 441, and 442 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 440, 441, and 442.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 19.**

A BILL FOR AN ACT relating to the Nebraska Safe Drinking Water Act; to amend section 71-5306, Reissue Revised Statutes of Nebraska; to change provisions relating to certification of laboratories as prescribed; and to repeal the original section.

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

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Fox	Kintner	Riepe
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Excused and not voting, 4:

Campbell      Kuehn      Lindstrom      Morfeld

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

**LEGISLATIVE BILL 53.**

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,100, Revised Statutes Supplement, 2015; to provide for issuance of one license plate for passenger cars as prescribed; to provide a fee; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 3:

Chambers      Friesen      Pansing Brooks

Excused and not voting, 2:

Campbell      Morfeld

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

**LEGISLATIVE BILL 221.**

A BILL FOR AN ACT relating to landlords and tenants; to amend sections 25-21,220, 69-2303, 76-1414, 76-1431, 76-1441, and 76-1446, Reissue Revised Statutes of Nebraska; to change provisions relating to forcible entry and detainer and the Uniform Residential Landlord and Tenant Act; to provide for disposition of personal property upon the death of a tenant; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 2:

Campbell Morfeld

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

**LEGISLATIVE BILL 295.**

A BILL FOR AN ACT relating to municipalities; to amend sections 16-901 and 17-1001, Reissue Revised Statutes of Nebraska; to require notice and opportunity for comment regarding zoning ordinances affecting extraterritorial zoning jurisdiction for certain municipalities; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 2:

Campbell Morfeld

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

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB311 with 43 ayes, 1 nay, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 311.** With Emergency Clause.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-469, 60-493, 60-495, and 60-4,120.01, Reissue Revised Statutes of Nebraska, sections 60-479, 60-484, 60-4,113, 60-4,115, 60-4,117, 60-4,127, 60-4,142, 60-4,149, 60-4,150, 60-4,168, 60-4,181, and 75-362, Revised Statutes Cumulative Supplement, 2014, and sections 60-462, 60-463, 60-4,123, 60-4,124, and 60-4,144, Revised Statutes Supplement, 2015; to change provisions relating to the Motor Vehicle Operator's License Act; to provide procedures for defective payments under the act; to define and redefine terms; to change provisions relating to CLP-commercial learners' permits, commercial drivers' licenses, and commercial motor vehicles; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Bloomfield Hilkemann

Excused and not voting, 2:

Campbell Morfeld

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 328.**

A BILL FOR AN ACT relating to the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act; to amend sections 81-15,237, 81-15,247, and 81-15,248.01, Reissue Revised Statutes of Nebraska; to change provisions relating to use of professionals and fees; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Hughes

Excused and not voting, 2:

Campbell Morfeld

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

#### **LEGISLATIVE BILL 378.**

A BILL FOR AN ACT relating to public improvements; to amend section 16-697.02, Reissue Revised Statutes of Nebraska; to change requirements for electoral approval of borrowing money by a first-class city for parks, recreational facilities, and public grounds; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Hansen

Excused and not voting, 1:

Campbell

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

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 19, 53, 221, 295, 311, 328, and 378.

#### **SELECT FILE**

**LEGISLATIVE BILL 676.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 798.** ER165, found on page 589, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 778.** ER163, found on page 589, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 864.** ER164, found on page 589, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 700.** ER167, found on page 602, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 703.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 729.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 758.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 840.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 921.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 735.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 811.** ER166, found on page 604, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 929.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 776.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 807.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1035.** ER168, found on page 623, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 734.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 718.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 753.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 786.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 859.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 898.** Advanced to Enrollment and Review for Engrossment.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 418.** Read. Considered.

Senator McCollister moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

LR418 was adopted with 26 ayes, 7 nays, 15 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE RESOLUTION 413.** Read. Considered.

LR413 was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE RESOLUTION 403.** Read. Considered.

Committee AM2162, found on page 638, was adopted with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

LR403, as amended, was adopted with 30 ayes, 4 nays, 12 present and not voting, and 3 excused and not voting.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 456.** Introduced by Bolz, 29.

WHEREAS, "We the People: The Citizen and the Constitution" is a nationally acclaimed civic education program that promotes civic responsibility and gives students the opportunity to learn about democracy and the history and principles of our nation's constitutional government; and

WHEREAS, the Lincoln Southeast High School "We the People" team won the 2016 Nebraska state competition; and

WHEREAS, this victory is the result of the dedication and hard work of the Lincoln Southeast team members, Jade Anderson, Kenna Bancroft, Foster Collins, Andrew Goldsmith, Brianna Griffin, Marco Gutierrez, Morgan Heil, Sean Hollibaugh, Emily Johnson, McKynna Kelly, Tommy Le, Kelsey Linzell, Slate Mathes, Chris Morton, Katie Nimic, and Greta Solomon; and

WHEREAS, the Lincoln Southeast team will go to Washington, D.C. to compete in the 2016 National Finals.

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

1. That the Legislature congratulates the Lincoln Southeast High School "We the People" team and their teacher, Zach Wojtowicz, on winning the 2016 Nebraska state competition.

2. That a copy of this resolution be sent to the Lincoln Southeast team and Zach Wojtowicz.

Laid over.

**LEGISLATIVE RESOLUTION 457.** Introduced by Scheer, 19; Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Chambers, 11; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Fox, 7; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Riepe, 12; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, the University of Nebraska Women's Volleyball Team won the 2015 NCAA Division I Women's Volleyball Championship; and

WHEREAS, the Huskers won the national championship by sweeping the University of Texas in the championship game; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the amazing students of the University of Nebraska.

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

1. That the Legislature congratulates the University of Nebraska Women's Volleyball Team for their outstanding season and for winning the 2015 NCAA Division I Women's Volleyball Championship.

2. That a copy of this resolution be sent to the University of Nebraska Women's Volleyball Team and Coach John Cook.

Laid over.

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

Senator Coash filed the following amendment to LB894:  
AM2321

(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; strike lines 21 and 22; in line 23 strike  
3 "(b)" and insert "(a)"; in line 24 strike "(c)" and insert "(b)"; in line  
4 25 strike "(d)" and insert "(c)"; in line 26 after the semicolon insert  
5 "or"; strike line 27; and in line 28 strike "(f)" and insert "(d)".

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 29, 2016, at 10:40 a.m. were the following: LBs 19, 53, 221, 295, 311e, 328, and 378.

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

**COMMITTEE REPORT(S)**  
General Affairs

The General Affairs 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.

Edwin Bergstraesser - State Electrical Board  
Cory L. Mueller - State Electrical Board

Aye: 8 Coash, Hansen, Hughes, Kolterman, Larson, McCollister, Riepe, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs 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.

Patrick Drickey - Nebraska Arts Council  
Kathryn LeBaron - Nebraska Arts Council  
Sherry McClymont - Nebraska Arts Council  
Harvey Varenhorst - Nebraska Arts Council

Aye: 8 Coash, Hansen, Hughes, Kolterman, Larson, McCollister, Riepe, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tyson Larson, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 371.** Committee AM1268, found on page 1244, First Session, 2015, and considered on page 736, was renewed.

Senator Sullivan moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Sullivan requested a roll call vote on the committee amendment.

Voting in the affirmative, 19:

Baker	Cook	Haar, K.	Krist	Schumacher
Bolz	Crawford	Hadley	Mello	Seiler
Chambers	Davis	Howard	Morfeld	Sullivan
Coash	Gloor	Kolowski	Pansing Brooks	

Voting in the negative, 12:

Brasch	Fox	Johnson	McCoy
Craighead	Hilkemann	Kintner	Riepe
Ebke	Hughes	McCollister	Williams

Present and not voting, 12:

Bloomfield	Groene	Lindstrom	Smith
Friesen	Hansen	Murante	Stinner
Garrett	Kuehn	Schnoor	Watermeier

Absent and not voting, 1:

Schilz

Excused and not voting, 5:

Campbell	Harr, B.	Kolterman	Larson	Scheer
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The committee amendment lost with 19 ayes, 12 nays, 12 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

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

Transportation and Telecommunications

The Transportation and Telecommunications 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.

Mary K. Gerdes - State Highway Commission

Aye: 8 Brasch, Davis, Friesen, Garrett, McCoy, Murante, Seiler, Smith.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jim Smith, Chairperson

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

Transportation and Telecommunications

**LEGISLATIVE BILL 1068.** Indefinitely postponed.

(Signed) Jim Smith, Chairperson

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

Senator Crawford filed the following amendment to LB1059:  
AM2323

(Amendments to Standing Committee amendments, AM2067)

1. On page 2, line 24, after the semicolon insert "and"; strike lines 25 through 27; and in line 28 strike "(iv)" and insert "(iii)".
2. On page 6, line 31, after the semicolon insert "and".
3. On page 7, strike lines 1 through 3; and in line 4 strike "(d)" and insert "(c)".

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

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

Watermeier - LB768  
Davis - LB871  
Krist - LB707  
Davis - LB768  
Garrett - LB990

**VISITOR(S)**

Visitors to the Chamber were 24 fifth- through twelfth-grade students and sponsors from Palmer; 50 fourth-grade students from Arlington; and members of Open World Delegates from Ukraine.

The Doctor of the Day was Dr. Wolfgang Rodriguez from Omaha.

**ADJOURNMENT**

At 12:09 p.m., on a motion by Senator Hansen, the Legislature adjourned until 9:00 a.m., Tuesday, March 1, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature