

SIXTH DAY - JANUARY 13, 2016
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 13, 2016

PRAYER

The prayer was offered by Senator Bloomfield.

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 Senator Craighead who was excused; and Senators Hansen, B. Harr, Kolowski, Mello, Murante, Schilz, Schnoor, Seiler, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 232, line 9, after "Sec. 1" insert "and Rule 3, Sec. 8".
The Journal for the fourth day was approved as corrected.

The Journal for the fifth day was approved.

GENERAL FILE

LEGISLATIVE BILL 619. Title read. Considered.

Committee AM115, found on page 897, First Session, 2015, was offered.

Senator McCoy withdrew his motion, MO121, found on page 1667, First Session, 2015, to bracket until June 5, 2015.

Senator Larson offered his amendment, AM1654, found on page 1735, First Session, 2015, to the committee amendment.

SPEAKER HADLEY PRESIDING

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 936. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2004, 77-2005, 77-2006, and 77-2040, Reissue Revised Statutes of Nebraska; to change inheritance tax rates and exemption amounts; to provide for applicability; and to repeal the original sections.

LEGISLATIVE BILL 937. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to marriage; to amend section 42-102, Reissue Revised Statutes of Nebraska; to eliminate a provision prohibiting marriage by persons with venereal disease; and to repeal the original section.

LEGISLATIVE BILL 938. Introduced by Smith, 14.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-458 and 86-463, Reissue Revised Statutes of Nebraska; to adopt the 911 Service System Act; to provide for the transfer of funds; to remove obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 939. Introduced by Mello, 5.

A BILL FOR AN ACT relating to infants and juveniles; to amend section 43-3401, Reissue Revised Statutes of Nebraska, and section 43-3402, Revised Statutes Cumulative Supplement, 2014; to adopt the Nebraska Early Childhood Advantage Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 940. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-201, Reissue Revised Statutes of Nebraska, sections 77-1301 and 77-4212, Revised Statutes Cumulative Supplement, 2014, and section 77-3442, Revised Statutes Supplement, 2015; to adopt the Tax Stabilization Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 941. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Supplement, 2015; to update references to the Internal Revenue Code; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 942. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to marketing plans and trade practices; to amend sections 59-1724, 87-402, and 87-404, Reissue Revised Statutes of Nebraska; to provide a disclosure requirement to the Department of Banking and Finance for seller-assisted marketing plan contracts as prescribed; to define a term; to provide for reformation of a franchise agreement which unreasonably restrains competition; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 943. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to civil rights; to amend sections 15-1012, 18-1724, 21-612, 21-613, 25-305, 25-306, 25-1601, 27-505, 28-382, 28-701, 28-714, 28-803, 30-810, 30-2303, 30-2333, 30-2353, 30-3507, 36-213, 37-403, 38-1129, 40-103, 42-102, 42-103, 42-109, 42-201, 42-202, 42-203, 42-204, 42-206, 42-342, 42-367, 42-377, 42-501, 42-503, 42-617, 42-618, 42-619, 43-101, 43-104.08, 43-104.13, 43-108, 43-1257, 44-704, 44-705, 44-761, 44-1609, 44-2819, 45-1030, 48-122.01, 48-122.03, 48-124, 53-149, 71-601.01, 76-403, 76-409, 76-2117, 77-2732, 77-2769, 79-2,116, 80-102, 83-383, 85-171, and 85-9,168, Reissue Revised Statutes of Nebraska, sections 37-455, 44-710.01, 54-1,111, 76-3415, 77-3506, and 77-3509, Revised Statutes Cumulative Supplement, 2014, and sections 28-707, 32-630, 37-1278, 43-2202, 48-1111, and 80-403, Revised Statutes Supplement, 2015; to update references with respect to husband and wife; to harmonize provisions; to repeal the original sections; and to outright repeal section 42-207, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 944. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to parentage; to amend sections 28-702, 37-1267, 43-104, 43-105, 43-1402, 43-1404, 43-1405, 43-1407, 43-1410, 44-705, 68-149, 68-913, 71-604, 71-617.04, 71-628, 71-640, 71-640.01, 71-640.02, 71-640.03, 71-640.04, 71-641, 71-2103, and 79-233, Reissue Revised Statutes of Nebraska, sections 30-2608, 30-2613, 37-410, 43-292, and 48-604, Revised Statutes Cumulative Supplement, 2014, and section 43-512.04, Revised Statutes Supplement, 2015; to change terminology and application of statutes relating to parentage and marital relationships; and to repeal the original sections.

LEGISLATIVE BILL 945. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to economic development; to amend section 81-1201.16, Reissue Revised Statutes of Nebraska, and section 13-208, Revised Statutes Cumulative Supplement, 2014; to adopt the Nebraska Healthy Food Financing Initiative Act; to change provisions relating to tax credits; to provide duties for the Community and Rural Development Division of the Department of Economic Development; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 946. Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend section 60-1403, Reissue Revised Statutes of Nebraska; to change powers and duties of the chairperson of the Nebraska Motor Vehicle Industry Licensing Board; and to repeal the original section.

LEGISLATIVE BILL 947. Introduced by Mello, 5; Campbell, 25; Gloor, 35; Howard, 9; Krist, 10; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Schumacher, 22; Stinner, 48; Williams, 36.

A BILL FOR AN ACT relating to aliens; to amend sections 4-111 and 4-112, Reissue Revised Statutes of Nebraska; to state intent relating to professional or commercial licenses; to harmonize provisions; and to repeal the original sections.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 404. Introduced by Kintner, 2.

WHEREAS, Todd Nott, a teacher at Plattsmouth High School, won the Hitchcock Hundred ultramarathon, a 100-mile race at the Hitchcock Nature Center in western Iowa; and

WHEREAS, Todd finished the race in 22 hours, 56 minutes, and 9 seconds. Of the 50 runners who started the race, only 17 completed it; and

WHEREAS, this is Todd's first win in a 100-mile race. In his running career, he has participated in 7 ultramarathons.

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

1. That the Legislature congratulates Todd Nott on winning the Hitchcock Hundred ultramarathon.
2. That a copy of this resolution be sent to Todd Nott.

Laid over.

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Wednesday, January 20, 2016 1:30 p.m.

LB786
LB791
LB898

(Signed) Kathy Campbell, Chairperson

Natural Resources

Room 1525

Wednesday, January 20, 2016 1:30 p.m.

Richard R. Bell - Game and Parks Commission
James W. Hawks - Environmental Quality Council
LB737

(Signed) Ken Schilz, Chairperson

Nebraska Retirement Systems

Room 1525

Wednesday, January 20, 2016 12:00 p.m.

LB747
LB790
LB803

(Signed) Mark Kolterman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 619. Senator Chambers offered the following motion:

MO148

Bracket until April 19, 2016.

Senator Chambers withdrew his motion to bracket.

Senator Larson renewed his amendment, AM1654, found on page 1735, First Session, 2015, and considered in this day's Journal, to the committee amendment.

Senator Larson moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Larson requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 14:

Bolz	Davis	Garrett	Krist	Schilz
Campbell	Ebke	Hadley	Mello	Watermeier
Coash	Friesen	Hughes	Scheer	

Voting in the negative, 16:

Bloomfield	Hilkemann	Kolterman	Schnoor
Crawford	Johnson	Kuehn	Seiler
Fox	Kintner	Lindstrom	Smith
Gloor	Kolowski	McCollister	Williams

Present and not voting, 9:

Brasch	Cook	Hansen	Riepe	Stinner
Chambers	Groene	Larson	Schumacher	

Absent and not voting, 1:

Harr, B.

Excused and not voting, 9:

Baker	Haar, K.	McCoy	Murante	Sullivan
Craighead	Howard	Morfeld	Pansing Brooks	

The Larson amendment lost with 14 ayes, 16 nays, 9 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 948. Introduced by Morfeld, 46; Hansen, 26; Mello, 5; Pansing Brooks, 28.

A BILL FOR AN ACT relating to enterprise zones; to amend section 13-2103, Revised Statutes Cumulative Supplement, 2014; to change an application period limitation for the designation of enterprise zones as prescribed; and to repeal the original section.

LEGISLATIVE BILL 949. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to cigarette tax; to amend section 77-2608, Revised Statutes Cumulative Supplement, 2014; to change the commission allowed to stamping agents; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 950. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4014, Reissue Revised Statutes of Nebraska, and section 77-2604, Revised Statutes Supplement, 2015; to allow a bad debt deduction relating to cigarette and tobacco product taxes; and to repeal the original sections.

LEGISLATIVE BILL 951. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-908, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014, and section 77-2715.07, Revised Statutes Supplement, 2015; to adopt the Affordable Housing Tax Credit Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 952. Introduced by Watermeier, 1; Davis, 43; Kolterman, 24.

A BILL FOR AN ACT relating to emergency medical services; to amend section 38-1215, Revised Statutes Cumulative Supplement, 2014; to require counties to be responsible for emergency medical services as prescribed; to change membership of the Board of Emergency Medical Services; and to repeal the original section.

MOTION - Print in Journal

Senator Larson filed the following motion to LB619:
MO150
Reconsider the vote taken on AM1654.

AMENDMENT(S) - Print in Journal

Senator Brasch filed the following amendment to LB619:
AM1780

(Amendments to Standing Committee amendments, AM115)

- 1 1. On page 3, strike beginning with "certain" in line 27 through
- 2 "may" in line 28 and insert "Poker is a game of chance and players are
- 3 not able to develop the skill necessary to"; and strike beginning with
- 4 "While" in line 29 through line 31 and insert "Poker has a random
- 5 component in the cards that are dealt to the players.".
- 6 2. On page 4, strike lines 1 and 2; and in line 4 strike "skill" and
- 7 insert "chance".

MOTION - Print in Journal

Senator Krist filed the following motion to LB917:
MO149
Withdraw bill.

BILL ON FIRST READING

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

LEGISLATIVE BILL 953. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to financial institutions; to provide for the protection of qualified adults as prescribed.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Mello - LB919
Kolterman - LB684
Schnoor - LR35
Mello - LB915

VISITORS

The Doctor of the Day was Dr. Pat Hotovy from York.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Ebke, the Legislature adjourned until 9:00 a.m., Thursday, January 14, 2016.

Patrick J. O'Donnell
Clerk of the Legislature