

TWENTY-NINTH DAY - FEBRUARY 19, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 19, 2015

PRAYER

The prayer was offered by Pastor Jim Haack, Beautiful Savior Lutheran Church, La Vista.

ROLL CALL

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

The roll was called and all members were present except Senator Larson who was excused; and Senators Craighead, Kolowski, Krist, Murante, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

MESSAGE(S) FROM THE GOVERNOR

February 13, 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 as the Director of the Department of Economic Development:

Brenda L. Hicks-Sorensen, 7305 Pioneers Blvd., #604, Lincoln, NE 68506

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

Enclosures

RESOLUTION(S)

LEGISLATIVE RESOLUTION 59. Introduced by Hilkemann, 4.

WHEREAS, November 2015 is National Family Caregivers Month; and

WHEREAS, about 250,000 people in Nebraska, 14 percent of the state's population, are 65 years of age and older, and that number is expected to increase in the next 15 years to 417,000 people, or 20 percent of the state's population in 2030; and

WHEREAS, an estimated 40,000 people in Nebraska, 2 percent of the state's population, are 85 years of age and older, and that number is expected to increase in the next 15 years to about 50,000 people, or 2.4 percent of the state's population in 2030; and

WHEREAS, it is estimated that 37,000 people in Nebraska have Alzheimer's disease, and this number is expected to increase to 44,000 people by 2025 with an expected 70 percent of the people with Alzheimer's disease and other forms of dementia living at home; and

WHEREAS, at least 20 percent of those persons 65 years of age and older need some level of assistance with the activities of daily living, and there are an estimated 220,000 adults in Nebraska providing paid and unpaid care to adult relatives or friends; and

WHEREAS, both unpaid family caregivers and paid caregivers work together to serve the daily living needs of seniors who live in their own homes; and

WHEREAS, the longer a senior is able to provide for his or her own care, the less the burden that is placed on public assistance offered by the state and federal governments.

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

1. That the Legislature recognizes the importance of caregiving and the caregiving profession and supports the private home health care industry and the efforts of family caregivers throughout Nebraska by encouraging individuals to provide care to family, friends, and neighbors.

2. That the Legislature encourages accessible and affordable care for seniors and supports the continuing review of state policies and current state programs which address the needs of seniors and their family caregivers.

3. That the Legislature encourages the Department of Health and Human Services to continue working to educate people in Nebraska on the impact of aging and the importance of knowing the options available to seniors when they need care to meet their personal needs.

4. That the Legislature recognizes November 2015 as Nebraska Caregivers Month and encourages citizens to participate in activities related to National Family Caregivers Month.

5. That a copy of this resolution be sent to the Department of Health and Human Services.

Laid over.

LEGISLATIVE RESOLUTION 60. Introduced by Hadley, 37.

WHEREAS, the NEBRASKAland Foundation on Saturday, February 28, 2015, will present the Distinguished NEBRASKAlander Award to three honorees at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Gene Haynes, an Omaha educator and community leader, who has been principal of Omaha North Magnet High School for 13 years. Gene led the development of the privately-funded Haddix Center at Omaha North High School which draws students from across Omaha to study science, technology, engineering, and mathematics. Gene has been a teacher, coach, and an administrator in the Omaha Public Schools for 48 years, including 29 years at Omaha North High School, and has received numerous awards for his work in education and the community; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to United States Senator Mike Johanns who has brought great recognition to Nebraska through more than 30 years of public service at all levels of government. Mike served as the 28th Secretary of the United States Department of Agriculture, and was then elected to the United States Senate where he served from 2009-2015. Mike's public service began in 1983 as a county commissioner and city councilman before his election as mayor of Lincoln in 1995. He served as Governor of Nebraska from 1999-2005 where he took a strong leadership role in agriculture, economic development, and foreign trade; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Paul Younes of Kearney who has built a hospitality business that has changed the landscape of Kearney and Nebraska. Paul came to York College from Haifa, Israel, on a soccer scholarship and then transferred to Kearney State College. After starting as a dishwasher at a local motel, Paul worked his way up to become manager, then an owner, and is now president of Younes Hospitality, a family-run business which owns 12 hotels throughout Nebraska. Paul privately financed the Younes Conference Center which hosts regional, statewide, and national events.

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

1. That the Legislature congratulates the recipients of the Distinguished NEBRASKAlander Award and extends its appreciation for their service to the State of Nebraska.

2. That a copy of this resolution be given to Gene Haynes, Mike Johanns, and Paul Younes.

Laid over.

MOTION(S) - Confirmation Report(s)

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 513:

Nebraska Investment Council
Michael W. Walden-Newman, State Investment Officer

Voting in the affirmative, 37:

| | | | | |
|------------|----------|-------------|----------------|------------|
| Baker | Ebke | Hilkemann | Mello | Smith |
| Bloomfield | Friesen | Hughes | Morfeld | Stinner |
| Bolz | Garrett | Johnson | Nordquist | Sullivan |
| Campbell | Gloor | Kintner | Pansing Brooks | Watermeier |
| Coash | Groene | Kolterman | Riepe | Williams |
| Cook | Haar, K. | Kuehn | Schnoor | |
| Craighead | Hadley | Lindstrom | Schumacher | |
| Crawford | Hansen | McCollister | Seiler | |

Voting in the negative, 0.

Present and not voting, 8:

| | | | |
|----------|----------|--------|--------|
| Brasch | Davis | Howard | Scheer |
| Chambers | Harr, B. | McCoy | Schilz |

Excused and not voting, 4:

| | | | |
|----------|-------|--------|---------|
| Kolowski | Krist | Larson | Murante |
|----------|-------|--------|---------|

The appointment was confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

SPEAKER HADLEY PRESIDING

SELECT FILE

LEGISLATIVE BILL 430. Senator Mello offered his amendment, AM242, found on page 431.

The Mello amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 269. ER19, found on page 440, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 94. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 52. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 260. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 261. ER23, found on page 440, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 271. ER24, found on page 441, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 241. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 305. ER21, found on page 455, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 107. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 87. ER26, found on page 486, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 90. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 194. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 301. ER28, found on page 490, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 314. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 252. ER29, found on page 490, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 286. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 116. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 266. ER30, found on page 490, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 312. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 313. ER31, found on page 491, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 45. ER32, found on page 491, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 180. ER33, found on page 491, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 298. ER35, found on page 491, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 352. ER34, found on page 491, was adopted.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 61. Introduced by Kintner, 2.

WHEREAS, Kathleen Gottsch has been named the city administrator for Springfield; and

WHEREAS, Kathleen is currently the city clerk and treasurer which are positions she will maintain in her new job as city administrator; and

WHEREAS, Kathleen has been an employee of Springfield for the past eight years; and

WHEREAS, the Mayor of Springfield, Mike Dill, describes Kathleen as a "very bright, very capable" employee and the right person for the job.

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

1. That the Legislature congratulates Kathleen Gottsch for being named the city administrator for Springfield.
2. That a copy of the resolution be sent to Kathleen Gottsch.

Laid over.

PRESIDENT FOLEY PRESIDING

SELECT FILE

LEGISLATIVE BILL 88. Senator Bloomfield offered his amendment, AM184, found on page 424.

Senator Chambers offered the following amendment to the Bloomfield amendment:

FA12

Amend AM184

In line 1 strike "eight" and insert "seven".

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 6:

| | | |
|------------|---------|---------|
| Bloomfield | Ebke | Schnoor |
| Brasch | Kintner | Seiler |

Voting in the negative, 32:

| | | | | |
|----------|-----------|-------------|----------------|------------|
| Bolz | Groene | Johnson | Morfeld | Stinner |
| Campbell | Haar, K. | Kolowski | Murante | Sullivan |
| Coash | Hadley | Kolterman | Nordquist | Watermeier |
| Cook | Harr, B. | Kuehn | Pansing Brooks | Williams |
| Crawford | Hilkemann | Lindstrom | Riepe | |
| Friesen | Howard | McCollister | Scheer | |
| Gloor | Hughes | McCoy | Smith | |

Present and not voting, 8:

| | | | |
|----------|---------|--------|------------|
| Baker | Davis | Hansen | Schilz |
| Chambers | Garrett | Mello | Schumacher |

Excused and not voting, 3:

Craighead Krist Larson

The Chambers amendment lost with 6 ayes, 32 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO33

Reconsider the vote on FA12.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Bloomfield withdrew his amendment, AM184, found on page 424 and considered in this day's Journal.

Senator Bloomfield offered the following amendment:

FA13

Strike "sixteen" in line 16 page 2 and insert in its place "nine".

The Bloomfield amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 122. Senator Bloomfield offered his amendment, AM407, found on page 535.

The Bloomfield amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 142. ER20, found on page 441, was adopted.

Senator Schilz offered his amendment, AM255, found on page 517.

The Schilz amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 142A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 160. Senator Coash offered the Larson amendment, AM254, found on page 502.

The Larson amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

SENATOR GLOOR PRESIDING

LEGISLATIVE BILL 272. ER22, found on page 455, was adopted.

Senator Garrett offered the following amendment:

AM309

- 1 1. Strike the original section and all amendments thereto and insert
- 2 the following new section:
- 3 Section 1. (1) For purposes of this section:
- 4 (a) Private employer means a sole proprietorship, a corporation, a
- 5 partnership, an association, a limited liability company, or any other
- 6 entity with one or more employees;
- 7 (b) Veteran means (i) a person who served full-time duty with
- 8 military pay and allowances in the armed forces of the United States,
- 9 except for training or for determining physical fitness, and was
- 10 discharged or otherwise separated with a characterization of honorable or
- 11 general (under honorable conditions), or (ii) the spouse of a veteran who
- 12 (A) has a one hundred percent permanent disability as determined by the
- 13 United States Department of Veterans Affairs or (B) was killed in hostile
- 14 action; and
- 15 (c) Voluntary veterans preference employment policy means a private
- 16 employer's voluntary preference for hiring and promoting a veteran over
- 17 another equally qualified applicant or employee.
- 18 (2) A private employer may adopt a voluntary veterans preference
- 19 employment policy. Such policy shall be in writing and applied uniformly
- 20 to decisions regarding hiring and promotion.
- 21 (3) If a private employer offers a voluntary veterans preference
- 22 employment policy, a veteran desiring to use such policy shall provide
- 23 the private employer with a copy of the veteran's Department of Defense
- 24 Form 214, also known as the DD Form 214, or its successor form. A spouse
- 25 of a veteran desiring to use such preference shall provide the private
- 26 employer with a copy of the veteran's Department of Defense Form 214 or
- 27 its successor form, proof of marriage to the veteran, and either (a) a
- 1 copy of the veteran's disability verification from the United States
- 2 Department of Veterans Affairs demonstrating a one hundred percent
- 3 permanent disability rating or (b) a copy of the veteran's Department of
- 4 Defense Form 1300 or its successor form documenting that the veteran was
- 5 killed in hostile action.
- 6 (4) If a private employer implements a voluntary veterans preference
- 7 employment policy, it shall notify the Commissioner of Labor of such
- 8 policy. The commissioner shall use the information to maintain a registry

9 of the private employers that have a voluntary veterans preference
 10 employment policy in Nebraska.
 11 (5) A voluntary veterans preference employment policy shall not be
 12 considered a violation of any state or local equal employment opportunity
 13 law including the Nebraska Fair Employment Practice Act.

The Garrett amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 446. Senator Nordquist offered his amendment, AM339, found on page 504.

The Nordquist amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 181. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 167. ER36, found on page 520, was adopted.

Senator Mello offered the following amendment:
 AM440

1 1. On page 2, line 13, strike "September" and insert "November".

The Mello amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)
 Enrollment and Review

LEGISLATIVE BILL 34. Placed on Select File.
LEGISLATIVE BILL 46. Placed on Select File.
LEGISLATIVE BILL 129. Placed on Select File.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
 Revenue

LEGISLATIVE BILL 123. Placed on General File.
LEGISLATIVE BILL 246. Placed on General File.
LEGISLATIVE BILL 277. Placed on General File.

(Signed) Mike Gloor, Chairperson

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB77:
AM403

1 1. On page 4, line 14, after the period insert "No state funds shall
2 be utilized to pay for elective abortion services or to promote elective
3 abortion services. The department shall ensure that any funds received
4 under this subsection shall not be spent or used in any way to contract
5 with any entity that performs or promotes elective abortion services or
6 with any entity that affiliates with any entity that performs or promotes
7 elective abortions. For purposes of this subsection, elective abortion
8 means an abortion (a) other than a spontaneous abortion or (b) that is
9 performed for any reason other than to prevent the death of the female
10 upon whom the abortion is performed."

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1524

Monday, March 9, 2015 1:30 p.m.

Agency 13 - Education, Department of
Agency 32 - Educational Lands and Funds, Board of
Agency 34 - Library Commission, Nebraska
Agency 69 - Arts Council, Nebraska
LB185
LB274

Tuesday, March 10, 2015 1:30 p.m.

Agency 5 - Supreme Court
Agency 11 - Attorney General
Agency 94 - Public Advocacy, Commission on
Agency 15 - Parole, Nebraska Board of
Agency 46 - Correctional Services, Department of
LB229
LB237
LB654

Room 1003

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

Agency 23 - Labor, Department of
Agency 54 - Historical Society, Nebraska State

Agency 52 - State Fair Board
Agency 91 - Nebraska Tourism Commission
Agency 72 - Economic Development, Department of
LB161
LB263
LB318
LB449
LB450
LB569

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

LB374
LB537
LB461
Agency 31 - Military Department
Agency 29 - Natural Resources, Department of
Agency 84 - Environmental Quality, Department of
Agency 33 - Game and Parks Commission

(Signed) Heath Mello, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Groene - LB437
Ebke - LB172, LB173, and LB268

VISITORS

Visitors to the Chamber were representatives from 10 Nebraska franchises of Home Instead Senior Care including founders Paul and Lori Hogan; 50 first- through eleventh-grade home school students from Lincoln; and 18 fourth-grade students, teacher, and sponsors from St. John Lutheran School, Seward.

The Doctor of the Day was Dr. Susan Evans from Omaha.

ADJOURNMENT

At 11:49 a.m., on a motion by Senator Murante, the Legislature adjourned until 9:00 a.m., Friday, February 20, 2015.

Patrick J. O'Donnell
Clerk of the Legislature