

**SIXTY-SEVENTH DAY - APRIL 21, 2015**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION**

**SIXTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 21, 2015

**PRAYER**

The prayer was offered by Senator Brasch.

**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 Kolowski, Krist, McCoy, and Stinner who were excused; and Senators Groene, Hadley, Kintner, and Kuehn who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-sixth day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 178, 179, 180, 183, and 184 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 178, 179, 180, 183, and 184.

**MOTION - Return LB89A to Select File**

Senator Campbell moved to return LB89A to Select File for her specific amendment, AM1251, found on page 1183.

The Campbell motion to return prevailed with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 89A.** The Campbell specific amendment, AM1251, found on page 1183, was adopted with 39 ayes, 0 nays, 1 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 629.** Title read. Considered.

Committee AM1075, found on page 1083, was offered.

Senator Morfeld offered his amendment, FA47, found on page 1218, to the committee amendment.

Senator Morfeld withdrew his amendment.

Senator Lindstrom offered his amendment, AM1300, found on page 1218, to the committee amendment.

Senator Lindstrom withdrew his amendment.

**SPEAKER HADLEY PRESIDING**

The committee amendment was adopted with 34 ayes, 3 nays, 5 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 1 nay, 2 present and not voting, and 7 excused and not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 469A.** Introduced by Smith, 14; Schilz, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 469, One Hundred Fourth Legislature, First Session, 2015.

**NOTICE OF COMMITTEE HEARING(S)**  
Government, Military and Veterans Affairs

Room 1510

Wednesday, April 29, 2015 12:00 p.m.

Byron L. Diamond - Department of Administrative Services  
Bradley Rice - Nebraska State Patrol

(Signed) John Murante, Chairperson

**COMMITTEE REPORT(S)**  
Business and Labor

**LEGISLATIVE BILL 480.** Placed on General File with amendment.  
AM1274 is available in the Bill Room.

(Signed) Burke Harr, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 360.** Title read. Considered.

Committee AM1151, found on page 1090, was offered.

Senator Johnson offered his amendment, AM1193, found on page 1137, to the committee amendment.

The Johnson amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Pending.

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

Senator Cook filed the following amendment to LB81:  
AM1303

(Amendments to Final Reading copy)

1 1. On page 2, lines 23 and 27, strike "forty" and insert "thirty".

**VISITORS**

Visitors to the Chamber were 60 fourth-grade students and teachers from Birchcrest Elementary, Bellevue; Miss Nebraska, Megan Swanson, and her brother, Ian; 45 fourth-grade students and teachers from Walt Disney Elementary, Omaha; members of the Alzheimer's Association: Natalie Nickel, Brad Anderson, and Kathy Nannen; and 24 fourth-grade students and teacher from Sacred Heart Elementary, Lincoln.

**RECESS**

At 11:57 a.m., on a motion by Senator Pansing Brooks, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Hadley presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Friesen, Kolowski, Krist, McCoy, and Stinner who were excused; and Senators Coash, Hansen, Hughes, Kintner, Larson, Mello, Morfeld, Schnoor, and Sullivan who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 360.** Senator Kolterman offered the Johnson amendment, AM1194, found on page 1138, to the committee amendment.

The Johnson amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Committee AM1151, found on page 1090 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 7 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 330.** Title read. Considered.

Committee AM113, found on page 602, was offered.

Senator Larson offered his amendment, AM613, found on page 1217, to the committee amendment.

The Larson amendment was adopted with 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

Senator Nordquist offered his amendment, AM581, found on page 1218, to the committee amendment.

The Nordquist amendment was adopted with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

Senator Larson offered the following amendment to the committee amendment:

AM1310

(Amendments to Standing Committee amendments, AM113)

1 1. On page 3, line 20, strike the second comma and insert "or"; and  
2 in line 21 strike beginning with the comma through "beer".

The Larson amendment was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

Senator Kolterman offered the following amendment:

AM1316

1 1. Strike original sections 3 and 4 and insert the following new

2 sections:

3 Sec. 5. Powdered alcohol means alcohol prepared in a powdered form

4 for either direct use or consumption after the powder is combined with a

5 liquid.

6 Sec. 6. (1) Except as otherwise provided in subsection (4) of this

7 section, a person shall not possess, purchase, sell, offer to sell, or

8 use powdered alcohol.

9 (2) A person holding a license under the Nebraska Liquor Control Act

10 shall be subject to having the license suspended, canceled, or revoked

11 pursuant to the act for a violation of this section.

12 (3) Any person, other than a person licensed under the act, who

13 sells a powdered alcohol product shall be guilty of a Class I

14 misdemeanor.

15 (4) This section does not apply to a hospital that operates

16 primarily for the purpose of conducting scientific research, a state

17 institution conducting bona fide research, a private college or

18 university conducting bona fide research, or a pharmaceutical company or

19 biotechnology company conducting bona fide research.

20 2. On page 2, line 3, strike "section 6" and insert "sections 4 to

21 6".

22 3. Renummer the remaining sections and correct internal references,

23 the operative date, and the repealer so that the sections added by this

24 amendment become operative on their effective date with the emergency

25 clause.

## SENATOR WATERMEIER PRESIDING

Pending.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 89A.** Placed on Final Reading Second.

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 268.** Placed on Select File with amendment.  
ER85

1 1. In the Standing Committee amendments, AM754:  
2 a. On page 5, line 19, strike "nine", show as stricken, and insert  
3 "eight"; and  
4 b. On page 12, strike beginning with the comma in line 5 through the  
5 comma in line 6 and show as stricken; and in line 23 strike the comma and  
6 show as stricken.  
7 2. On page 1, strike lines 2 through 21 and insert "23-3406,  
8 23-3408, 24-1106, 25-1140.09, 28-104, 28-202, 28-303, 29-1602, 29-1822,  
9 29-2004, 29-2005, 29-2006, 29-2020, 29-2027, 29-2407, 29-2801, 29-3205,  
10 29-3920, 29-3928, 29-3929, 29-3930, 55-480, 83-1,110.02, and 83-4,143,  
11 Reissue Revised Statutes of Nebraska, and sections 28-105, 28-201,  
12 28-1356, 29-1603, 29-2204, 29-2261, and 29-3922, Revised Statutes  
13 Cumulative Supplement, 2014; to eliminate the death penalty; to change  
14 and eliminate provisions relating to murder in the first degree,  
15 presentence reports, indeterminate sentences, the Commission on Public  
16 Advocacy, and the authority of courts and the Department of Correctional  
17 Services; to state intent; to eliminate a homicide-case report,  
18 provisions on capital punishment, proportionality review provisions, and  
19 obsolete provisions; to harmonize provisions; to repeal the original  
20 sections; and to outright repeal sections 24-1105, 29-2519, 29-2521,  
21 29-2521.01, 29-2521.03, 29-2521.04, 29-2521.05, 29-2523, 29-2524.01,  
22 29-2524.02, 29-2525, 29-2527, 29-2528, 29-2811, 83-1,105.01, 83-1,132,  
23 83-964, 83-965, 83-966, 83-967, 83-968, 83-969, 83-970, 83-971, and  
24 83-972, Reissue Revised Statutes of Nebraska, and sections 28-105.01,  
25 29-2520, 29-2521.02, 29-2522, 29-2524, 29-2537, 29-2538, 29-2539,  
26 29-2540, 29-2541, 29-2542, 29-2543, and 29-2546, Revised Statutes  
27 Cumulative Supplement, 2014."

**LEGISLATIVE BILL 72.** Placed on Select File with amendment.  
ER88 is available in the Bill Room.

**LEGISLATIVE BILL 72A.** Placed on Select File.

**LEGISLATIVE BILL 469.** Placed on Select File with amendment.  
ER86

1 1. In the Standing Committee amendments, AM833:  
2 a. On page 6, line 31, strike "adopt" and insert "adapt"; and  
3 b. On page 7, line 9, after the semicolon insert "and".  
4 2. On page 1, strike beginning with "the" in line 1 through line 4  
5 and insert "energy; to amend sections 81-1601, 81-1602, 81-1603, 81-1605,  
6 81-1606, and 81-1607.01, Reissue Revised Statutes of Nebraska; to define

7 terms; to provide procedures and reporting requirements relating to a  
 8 state plan regarding carbon dioxide emissions; to provide and change  
 9 duties of the State Energy Office; to require a strategic state energy  
 10 plan as prescribed; to harmonize provisions; and to repeal the original  
 11 sections."

**LEGISLATIVE BILL 85.** Placed on Select File with amendment.

ER87

1 1. On page 1, line 3, strike "brand inspection fee" and insert  
 2 "maximum brand inspection fee amount that may be established by the  
 3 Nebraska Brand Committee".

**LEGISLATIVE BILL 348.** Placed on Select File with amendment.

ER89

1 1. In the Standing Committee amendments, AM1013:  
 2 a. On page 3, line 13, strike the first comma and show as stricken;  
 3 b. On page 4, line 21, reinstate the stricken "and"; and  
 4 c. On page 7, line 26, strike "from".  
 5 2. On page 1, line 1, strike "banks and banking" and insert  
 6 "financial institutions"; in lines 3 and 4 strike "redefine a term" and  
 7 insert "define and redefine terms"; and in line 6 after the second  
 8 semicolon insert "to provide severability;"

(Signed) Matt Hansen, Chairperson

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

Senator Sullivan filed the following amendment to LB519:  
 AM1307

(Amendments to E and R amendments, ER76)

1 1. On page 7, lines 1 and 2, strike "No" through "percent" and  
 2 insert "A portion".

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 199.** Introduced by Davis, 43.

WHEREAS, Moni Hourt has retired after over 20 years of teaching in the  
 Nebraska Panhandle; and

WHEREAS, Moni started her career as a photographer for the Sports Car  
 Club of America and moved on to be a photographer for ProRodeo Sports  
 News, the Farm Journal, the Rapid City Journal, and the Denver Post; and

WHEREAS, in 1991, Moni began teaching at the Sioux County School  
 District's Pink School near Crawford. After six years at the Pink School, she  
 spent nearly 10 years teaching at Glen Public School; and

WHEREAS, in 2006, Moni became the interim education director at the  
 Mari Sandoz High Plains Heritage Center's C.F. Coffee Gallery in Chadron;  
 and

WHEREAS, in 2008, she began teaching at Crawford Public Schools; and  
WHEREAS, Moni has mentored many students through the National  
History Day competition; and

WHEREAS, Moni was selected by the National History Day program as a  
Behring Teacher Ambassador in 2014.

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

1. That the Legislature congratulates Moni Hourt on her retirement and commends her service and dedication as a teacher.
2. That a copy of this resolution be sent to Moni Hourt.

Laid over.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 547A.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 547, One Hundred Fourth Legislature, First Session, 2015.

**LEGISLATIVE BILL 519A.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 519, One Hundred Fourth Legislature, First Session, 2015.

### **GENERAL FILE**

**LEGISLATIVE BILL 330.** Senator Chambers offered the following motion:

MO89

Bracket until June 5, 2015.

### **SENATOR GLOOR PRESIDING**

Senator Chambers withdrew his motion to bracket.

The Kolterman amendment, AM1316, found in this day's Journal, was renewed.

Senator Kolterman moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Kolterman amendment was adopted with 27 ayes, 8 nays, 6 present and not voting, and 8 excused and not voting.



The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 32 ayes, 3 nays, 6 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 253.** Title read. Considered.

Committee AM278, found on page 568, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 423.** Title read. Considered.

### **SPEAKER HADLEY PRESIDING**

Committee AM1103, found on page 1049, was offered.

Senator Schumacher offered the following amendment to the committee amendment:

FA48

Amend AM1103

After the period in line 15 of page 12 add the following new language: "No credit shall be sold at a discount of more than three percent. No commission shall be paid for the marketing of credits issued pursuant to Section 77-27,235."

Pending.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 200.** Introduced by Mello, 5; Bolz, 29; Haar, K., 21; Hilkemann, 4; Kintner, 2; Kuehn, 38; Nordquist, 7; Stinner, 48; Watermeier, 1; Williams, 36.

**PURPOSE:** The purpose of this resolution is to study the history and development of the Nebraska Innovation Campus (NIC) at the University of Nebraska - Lincoln. The University of Nebraska indicates that to move the NIC forward, additional state financial support will be required in terms of both operations and facility construction. The study of the NIC shall include, but not be limited to, the following:

- (1) The history of funding, both public and private;
- (2) The governance structure and management systems;
- (3) The business development plans and recruitment efforts;
- (4) The branding and marketing strategies;
- (5) The partnerships with private corporations, government agencies, and other academic institutions;
- (6) University of Nebraska commercialization activities;

- (7) The competitiveness of lease rates;
- (8) The utilization of space;
- (9) The current availability of other sources of funds for expansion including federal and private funding;
- (10) An investigation of successful university research park and technology commercialization programs across the nation;
- (11) The development of successful strategies for the future including economic development opportunities, workforce development opportunities, and incentive strategies; and
- (12) The development of measurable outcomes to evaluate progress.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 201.** Introduced by Sullivan, 41; Baker, 30; Brasch, 16; Cook, 13; Gloor, 35; Groene, 42; Hadley, 37; Harr, B., 8; Hilkemann, 4; Kolowski, 31; Mello, 5; Morfeld, 46; Pansing Brooks, 28; Scheer, 19; Schnoor, 15; Schumacher, 22; Smith, 14.

WHEREAS, providing quality education through Nebraska's public schools is essential to the quality of life for all citizens of the state; and

WHEREAS, school finance is a complex combination of education and tax issues; and

WHEREAS, the first recommendation by the 2013 Tax Modernization Committee regarding property taxes was to increase the state aid commitment to schools to offset property tax use and reduce property taxes as a share of total state and local taxes; and

WHEREAS, the need to continually review and update policy in response to changing circumstances also applies to the interaction between school funding and tax policies in the state; and

WHEREAS, the Legislature is the appropriate forum for discourse and community involvement to develop school finance and tax policy to enhance Nebraska's system of quality education within the context of state priorities and fiscal limitations.

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

1. The School Finance Modernization Committee is created as a special legislative committee and shall comprise:

- (a) The members of the Education Committee;
- (b) The members of the Revenue Committee;

(c) The chairperson and vice-chairperson of the Appropriations Committee;

(d) The chairperson of the Legislature's Planning Committee; and

(e) The Speaker of the Legislature.

2. The chairperson of the Education Committee shall serve as the chairperson and the chairperson of the Revenue Committee shall serve as the vice-chairperson of the School Finance Modernization Committee, which shall meet as often as is deemed necessary in order to accomplish the objectives expressed in this resolution. At least one meeting shall be held concurrently with a meeting of the Legislative Council convened by the chairperson of the Executive Board.

3. The School Finance Modernization Committee shall continue the work of the Tax Modernization Committee with respect to examining the financing of public schools in Nebraska and developing recommendations for improving school finance in Nebraska. The committee shall consider, but not be limited to, the following issues:

(a) Efficiency and effectiveness in the availability and the use of tax resources necessary to successfully educate the public school students of Nebraska;

(b) Fairness and equity for taxpayers and public school students in all parts of the state;

(c) Competitiveness for the state in terms of the state's ability to attract and keep well-paying jobs and investments based on the economic climate and a workforce educated for success;

(d) Stability in the resources available to school districts and the tax expectations for citizens of the state, particularly in times of economic volatility; and

(e) Simplicity, to the extent practical, to meet the wide variances in the circumstances of students and taxpayers across the state.

4. The School Finance Modernization Committee shall examine school finance and taxing systems in other states and relevant studies and literature with a focus on the mix of taxable resources used to support education, strategies for addressing economic volatility, and other issues as determined by the committee.

5. The School Finance Modernization Committee may require any state agency or political subdivision to provide information relevant to the committee's work, and the state agency or political subdivision shall provide the information requested to the committee within thirty days after the request. All such requests shall be made only by the chairperson or vice-chairperson of the committee. The committee may hold public hearings and may, pursuant to section 50-406 and the rules of the Legislature, exercise its authority to administer oaths, issue subpoenas, compel attendance of witnesses and the production of documents, and cause depositions of witnesses to be taken in the manner prescribed by law for taking depositions in civil actions in the district court.

6. The School Finance Modernization Committee shall utilize the services of an outside facilitator with expertise in neutral facilitation who does not have a professional or financial interest in school or tax policy in Nebraska to assist the committee with the study. The facilitator shall be selected by

the chairperson and vice-chairperson of the committee in consultation with the chairperson of the Executive Board of the Legislative Council.

7. The School Finance Modernization Committee shall issue a report to the Executive Board of the Legislative Council and to the Governor not later than December 15, 2015, containing any recommendations and proposed language for any needed legislation. The report to the Legislature shall be submitted electronically.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR201 was referred to the Reference Committee.

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

Senator Morfeld filed the following amendment to LB294:  
AM1305

(Amendments to Standing Committee amendments, AM1104)

1 1. On page 6, lines 17 and 18, reinstate the stricken matter.

#### **VISITORS**

Visitors to the Chamber were 110 third-grade students from Norris Intermediate School; and 75 Classical Conversations Home School students from across the state.

The Doctor of the Day was Dr. Aaron Lanik from Geneva.

#### **ADJOURNMENT**

At 4:57 p.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Wednesday, April 22, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature