TWENTY-SECOND DAY - FEBRUARY 6, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 6, 2015

PRAYER

The prayer was offered by Pastor Brad Hoefs, Community of Grace Lutheran Church, Elkhorn.

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 Cook and Davis who were excused; and Senators Bolz, Campbell, and K. Haar who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 155. Placed on General File with amendment.
AM180
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 8-116, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 8-116 (1) Except as provided in subsection (2) of this section, a A
6 charter for a bank hereafter organized shall not be issued unless the
7 corporation applying therefor has shall have a surplus and paid-up
8 capital stock in an amount not less than the amount necessary for
9 compliance with subsection (1) of section 8-702 for the insurance of
10 deposits of not less than seventy thousand dollars or seventy percent of
11 its paid-up capital stock, whichever is greater, and a paid-up capital
12 stock as follows: In villages or counties of less than one thousand
13 inhabitants, one hundred thousand dollars; in cities, villages, or
14 counties of one thousand or more and less than twenty-five thousand
inhabitants, not less than one hundred fifty thousand dollars; in cities or counties of twenty-five thousand or more and less than one hundred thousand inhabitants, not less than two hundred thousand dollars; and in cities or counties of one hundred thousand or more inhabitants, not less than five hundred thousand dollars.

(2) The notwithstanding subsection (1) of this section, the department shall have the authority to determine the minimum amount of paid-up capital stock and surplus required for any corporation applying for a bank charter, which amount amounts shall not be less than the amount amounts provided in subsection (1) of this section.

(3) For purposes of this section, population shall be determined by the most recent federal decennial census.

Sec. 2. Section 8-128, Reissue Revised Statutes of Nebraska, is amended to read:

8-128 The paid-in capital stock of any bank may be increased or decreased in the following manner: The stockholders at any regular meeting or at any special meeting duly called for such purpose shall by vote of those owning two-thirds of the capital stock authorize the president or cashier to notify the department of the proposed increase or reduction of paid-in capital stock, and a notice containing a statement of the amount of any proposed reduction of paid-in capital stock shall be published for two four weeks in some newspaper published and of general circulation in the county where such bank is located. Reduction of paid-in capital stock shall be discretionary with the department, but shall be denied if granting the same would reduce the paid-in capital stock below the requirements of the Nebraska Banking Act or would impair the security of the depositors. The bank shall notify the department when the proposed increase or decrease of the paid-in capital stock has been consummated.

Sec. 3. Section 8-153, Reissue Revised Statutes of Nebraska, is amended to read:

8-153 All checks, unless sent to banks as special collection items, shall have preprinted the magnetically encoded routing and transit symbol of the bank and either the name of the maker or the magnetically encoded account number of the maker. Except for checks sent to banks as special collection items or checks presented for payment by the payee in person, all checks drawn on any bank organized under the laws of this state shall be cleared at par by the bank on which they are drawn. The term at par applies only to the settlement of checks between collecting and paying or remitting banks and does not apply to or prohibit a bank from deducting a fee from the face amount of the check for paying the check if the check is presented to the bank by the payee in person.

Sec. 4. Section 8-1402, Revised Statutes Cumulative Supplement, 2014, is amended to read:

8-1402 (1) Any person, party, agency, or organization requesting disclosure of records or information pursuant to section 8-1401 shall pay the costs of providing such records or information, unless:

(a) The request for disclosure is made pursuant to subdivision (1)

(b) of section 8-1401 and a Nebraska Supreme Court rule provides for the method of payment;
(b) The request is made pursuant to subdivision (1)(b) of section 8-1401 and the rules for discovery provide for the method of payment.

(c) The request for disclosure is made pursuant to subdivision (1)(d) or (1)(e) of section 8-1401;

(d) Otherwise ordered by a court of competent jurisdiction; or

(e) The person making the disclosure waives any or all of the costs.

(a) The requesting person, party, agency, or organization shall pay five dollars per hour per person for the time actually spent on the service or, if such person can show that its actual expense in providing the records or information was greater than five dollars per hour per person, it shall be paid the actual cost of providing the records or information.

(b) For purposes of this subsection, actual cost means:

(i) Search and processing costs, including the total amount of personnel direct time incurred in locating and retrieving, reproducing, packaging, and preparing records or information for shipment or delivery. Search and processing costs may include the actual cost of extracting information stored by computer in the format in which it is normally produced, based on computer time and necessary supplies;

(ii) Reproduction costs incurred in making copies of records or information requested. The rate for reproduction costs for making copies of requested records or information shall be the usual rate charged by the person making the disclosure to its customers for reproducing copies, including copies produced by reader-printer reproduction processes.

(iii) Transportation costs, including transport of personnel to locate and retrieve the records or information requested and including all other reasonably necessary costs to convey the records or information.

(3) No person authorized to receive payment pursuant to subsection (1) of this section has an obligation to provide any records or information pursuant to section 8-1401 until assurances are received that the costs due under this section will be paid, except for requests made pursuant to subdivisions (1)(d), (1)(e), (1)(f), and (1)(g) of section 8-1401.
LEGISLATIVE BILL 247. Placed on Select File with amendment.
ER15
1 1. On page 1, line 3, strike "an interest rate specification
2 reference" and insert "the interest rate for obligations arising under
3 the Uniform Partnership Act of 1998".

LEGISLATIVE BILL 219. Placed on Select File with amendment.
ER16
1 1. On page 4, line 16; and page 11, line 25, before "law" insert
2 "the".
3 2. On page 7, line 29, strike "section" and insert "sections".
4 3. On page 8, line 2, after "(c)" insert "of this section".
5 4. On page 15, line 11, strike "this uniform act" and insert "the
6 Uniform Deployed Parents Custody and Visitation Act"; in line 16 strike
7 "section"; and in lines 17 and 19 strike the second occurrence of
8 "section".

LEGISLATIVE BILL 18. Placed on Select File.
LEGISLATIVE BILL 18A. Placed on Select File.

LEGISLATIVE BILL 109. Placed on Select File with amendment.
ER17
1 1. On page 1, strike beginning with "requirements" in line 3 through
2 "law" in line 4 and insert "provisions for veterans and their spouses and
3 dependents and other eligible persons".

LEGISLATIVE BILL 198. Placed on Select File with amendment.
ER18
1 1. On page 1, line 4, after the semicolon insert "to define terms;".

LEGISLATIVE BILL 118. Placed on Select File with amendment.
ER14
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 28-1429.03, Revised Statutes Cumulative
4 Supplement, 2014, is amended to read:
5 28-1429.03 (1) Except as provided in subsection (2) of this section
6 and section 28-1429.02, it shall be unlawful to sell or distribute
7 cigarettes, cigars, vapor products, alternative nicotine products, or
8 tobacco in any form whatever through a self-service display. Any person
9 violating this section is guilty of a Class III misdemeanor. In addition,
10 upon conviction for a second or subsequent offense within a twelve-month
11 period, the court shall order a six-month suspension of the license
12 issued under section 28-1421.
13 (2) Cigarettes, cigars, vapor products, alternative nicotine
14 products, or tobacco in any form whatever may be sold or distributed in a
15 self-service display that is located in a tobacco specialty store or
16 cigar shop bar as defined in section 53-103.08.
17 Sec. 2. Section 53-103.08, Reissue Revised Statutes of Nebraska, is
18 amended to read:
19 53-103.08 Cigar shop bar means an establishment operated by a holder
20 of a Class C liquor license which:
21 (1) Does not sell food;
22 (2) In addition to selling alcohol, annually receives ten percent or
23 more of its gross revenue from the sale of cigars, and other tobacco
24 products, and tobacco-related products, except from the sale of
25 cigarettes as defined in section 69-2702. A cigar shop bar shall not
26 discount alcohol if sold in combination with cigars or other tobacco
27 products and tobacco-related products;
28 (3) Has a walk-in humidor on the premises; and
29 (4) Does not permit the smoking of cigarettes.
30 Sec. 3. Section 53-131, Revised Statutes Cumulative Supplement,
31 2014, is amended to read:
32 53-131 (1) Any person desiring to obtain a new license to sell
33 alcoholic liquor at retail, a craft brewery license, or a microdistillery
34 license shall file with the commission:
35 (a) An application in triplicate original upon forms prescribed by
36 the commission prescribes, including the information required by
37 subsection (3) of this section for an application to operate a cigar shop
38 bar;
39 (b) The license fee if under sections 53-124 and 53-124.01 such fee
40 is payable to the commission, which fee shall be returned to the
41 applicant if the application is denied; and
42 (c) The nonrefundable application fee in the sum of four hundred
43 dollars, except that the nonrefundable application fee for an application
44 for a cigar shop bar shall be one thousand dollars.
45 (2) The commission shall notify the clerk of the city or village in
46 which such license is sought or, if the license sought is not sought
47 within a city or village, the county clerk of the county in which such
48 license is sought, of the receipt of the application and shall include
49 one copy of the application with the notice. No such license shall be
50 issued or denied by the commission until the expiration of the time
51 allowed for the receipt of a recommendation of denial or an objection
52 requiring a hearing under subdivision (1)(a) or (b) of section 53-133.
53 During the period of forty-five days after the date of receipt by mail or
54 electronic delivery of such application from the commission, the local
55 governing body of such city, village, or county may make and submit to
56 the commission recommendations relative to the granting or refusal to
57 grant such license to the applicant.
58 (3) For an application to operate a cigar shop bar, the application
59 shall include proof of the cigar shop's bar's annual gross revenue as
60 requested by the commission and such other information as requested by
61 the commission to establish the intent to operate as a cigar shop bar.
62 The commission may adopt and promulgate rules and regulations to regulate
cigar shops. The rules and regulations existing on August 1, 2014, applicable to cigar bars shall apply to cigar shops until amended or repealed by the commission bars.

(4) For renewal of a license under this section, a licensee shall file with the commission an application, the license fee as provided in subdivision (1)(b) of this section, and a renewal fee of forty-five dollars.

Sec. 4. Section 53-1,120.01, Reissue Revised Statutes of Nebraska, is amended to read:

(1) No county resolution or city ordinance that prohibits smoking in indoor areas shall apply to cigar shops bars.

(a) The Legislature finds that allowing smoking in cigar shops as a limited exception to the Nebraska Clean Indoor Air Act does not interfere with the original intent that the general public and employees not be unwillingly subjected to second-hand smoke since employees have ample other opportunities for similar employment at other establishments.

This exception poses a de minimis restriction on the public and employees given the limited number of cigar shops compared to other businesses that sell alcohol, cigars, and pipe tobacco, and any member of the public should reasonably expect that there would be second-hand smoke in a cigar shop given the nature of the business and could choose to avoid such exposure.

(b) The Legislature finds that (i) cigars and pipe tobacco have different characteristics than other forms of tobacco such as cigarettes, (ii) cigar aficionados often pair cigars with various spirits such as cognac, single malt whisky, bourbon, rum, rye, port, and others, and (iii) unlike cigarette smokers, cigar and pipe smokers may take an hour or longer to enjoy a cigar or pipe rather than simply satisfying an addiction. Cigar shops are a variation of a tobacco retail outlet, which has a liquor license. The issue of whether a liquor license shall be granted to a cigar shop is an entirely separate issue that deals with an entirely separate chapter of state law. Whether a liquor license is granted is at the recommendation of the local governing body and the discretion of the Nebraska Liquor Control Commission.

(c) It is the intent of the Legislature to allow cigar and pipe smoking in cigar shops that meet specific statutory criteria. This exception to the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with the intent of the act to protect public places and places of employment.

(a) The Legislature finds that allowing smoking in tobacco retail outlets as a limited exception to the Nebraska Clean Indoor Air Act does not interfere with the original intent that the general public and employees not be unwillingly subjected to second-hand smoke since employees have ample other opportunities for similar employment at other establishments and the general public would not frequent those establishments and should reasonably expect that there would be second-hand smoke in a tobacco retail outlet and could choose to avoid such exposure. The products that tobacco retail outlets sell are legal for customers who meet the age requirement. Customers should be able to try
them within the tobacco retail outlet, especially given the way that
tobacco customization may occur in how tobacco is blended and cigars are
produced.
(b) It is the intent of the Legislature to allow smoking in tobacco
retail outlets that meet specific statutory criteria. This exception to
the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with
the intent of the act to protect public places and places of employment.
Sec. 5. Section 71-5717, Reissue Revised Statutes of Nebraska, is
amended to read:
1 71-5717 The purpose of the Nebraska Clean Indoor Air Act is to
2 protect the public health and welfare by prohibiting smoking in public
3 places and places of employment with limited exceptions for guestrooms
4 and suites, research, tobacco retail outlets, and cigar shops. The
limited exceptions permit smoking in public places where the public would
reasonably expect to find persons smoking, including guestrooms and
suites which are subject to expectations of privacy like private
residences, institutions engaged in research related to smoking, and
10 retail outlets to sample, use, and purchase tobacco products and products
11 related to smoking. The act shall not be construed to prohibit or
12 otherwise restrict smoking in outdoor areas. The act shall not be
13 construed to permit smoking where it is prohibited or otherwise
14 restricted by other applicable law, ordinance, or resolution. The act
15 shall be liberally construed to further its purpose.
Sec. 6. Section 71-5730, Revised Statutes Cumulative Supplement,
17 2014, is amended to read:
18 71-5730 (1) The following indoor areas are exempt from section
19 71-5729:
20 (a) Guestrooms and suites that are rented to guests and that are
designated as smoking rooms, except that not more than twenty percent of
12 rooms rented to guests in an establishment may be designated as smoking
13 rooms. All smoking rooms on the same floor shall be contiguous, and smoke
14 from such rooms shall not infiltrate into areas where smoking is
15 prohibited under the Nebraska Clean Indoor Air Act;
26 (b) Indoor areas used in connection with a research study on the
27 health effects of smoking conducted in a scientific or analytical
28 laboratory under state or federal law or at a college or university
29 approved by the Coordinating Commission for Postsecondary Education;
30 (c) Tobacco retail outlets; and
31 (d) Cigar shops bars as defined in section 53-103.08.
1 (2)(a) The Legislature finds that allowing smoking in cigar shops as
2 a limited exception to the Nebraska Clean Indoor Air Act does not
3 interfere with the original intent that the general public and employees
4 not be unwillingly subjected to second-hand smoke since employees have
5 ample other opportunities for similar employment at other establishments.
6 This exception poses a de minimis restriction on the public and employees
7 given the limited number of cigar shops compared to other businesses that
8 sell alcohol, cigars, and pipe tobacco, and any member of the public
9 should reasonably expect that there would be second-hand smoke in a cigar
shop given the nature of the business and could choose to avoid such exposure.

(b) The Legislature finds that (i) cigars and pipe tobacco have different characteristics than other forms of tobacco such as cigarettes, (ii) cigar aficionados often pair cigars with various spirits such as cognac, single malt whisky, bourbon, rum, rye, port, and others, and (iii) unlike cigarette smokers, cigar and pipe smokers may take an hour or longer to enjoy a cigar or pipe rather than simply satisfying an addiction. Cigar shops are a variation of a tobacco retail outlet, which has a liquor license. The issue of whether a liquor license shall be granted to a cigar shop is an entirely separate issue that deals with an entirely separate chapter of state law. Whether a liquor license is granted is at the recommendation of the local governing body and the discretion of the Nebraska Liquor Control Commission.

(c) It is the intent of the Legislature to allow cigar and pipe smoking in cigar shops that meet specific statutory criteria. This exception to the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with the intent of the act to protect public places and places of employment.

(3)(a) The Legislature finds that allowing smoking in tobacco retail outlets as a limited exception to the Nebraska Clean Indoor Air Act does not interfere with the original intent that the general public and employees not be unwillingly subjected to second-hand smoke since employees have ample other opportunities for similar employment at other establishments and the general public would not frequent those establishments and should reasonably expect that there would be second-hand smoke in a tobacco retail outlet and could choose to avoid such exposure. The products that tobacco retail outlets sell are legal for customers who meet the age requirement. Customers should be able to try them within the tobacco retail outlet, especially given the way that tobacco customization may occur in how tobacco is blended and cigars are produced.

(b) It is the intent of the Legislature to allow smoking in tobacco retail outlets that meet specific statutory criteria. This exception to the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with the intent of the act to protect public places and places of employment.

Sec. 7. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 8. Original sections 53-103.08, 53-1,120.01, and 71-5717, Reissue Revised Statutes of Nebraska, and sections 28-1429.03, 53-131, 20 and 71-5730, Revised Statutes Cumulative Supplement, 2014, are repealed.

Sec. 9. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 1, strike beginning with "cigar" in line 1 through line 10 and insert "regulated establishments; to amend sections 53-103.08, 53-1,120.01, and 71-5717, Reissue Revised Statutes of Nebraska, and sections 28-1429.03, 53-131, 20 and 71-5730, Revised Statutes Cumulative Supplement, 2014; to define cigar shop; to permit certain sales as
28 prescribed; to provide for a nonrefundable application fee; to provide
29 and change requirements for certain liquor license applications; to
30 preempt county resolutions and city ordinances relating to smoking in
31 cigar shops; to state and restate intent; to exempt retail tobacco
1 outlets and cigar shops from the Nebraska Clean Indoor Air Act; to
2 harmonize provisions; to provide severability; to repeal the original
3 sections; and to declare an emergency."

(Signed) Matt Hansen, Chairperson

MOTION - Print in Journal

Senator Johnson filed the following motion to LB262:
MO25
Withdraw bill.

MESSAGE(S) FROM THE GOVERNOR

February 5, 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 individuals are being
reappointed to the Boiler Safety Code Advisory Board:

Steven Bley, 8609 Highway 1, Newhawka, NE 68413
Robert Kirkpatrick, 6315 Huntington Avenue, Lincoln, NE 68507
Thomas E. Phipps, 3724 North 10 Street, Omaha, NE 68134

The aforementioned appointees are respectfully submitted for your
consideration. Copies of the certificates and background information are
included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

February 2, 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 to the Nebraska Liquor Control Commission:

Bruce D. Bailey, 1710 Surfside Drive, Lincoln, NE 68528

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

Enclosure

February 5, 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 reappointed to the Power Review Board:

Frank J. Reida, 1122 Turner Blvd., Omaha, NE 68105

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

Enclosure

February 5, 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 individuals are being
reappointed to the Board of Trustees of the Nebraska State Colleges:

Michelle Suarez, 2427 Woodsdale Blvd., Lincoln, NE 68502
Jess D. Zeiss, 1517 S. 109 Street, Omaha, NE 68144

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

February 3, 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 reappointed to the Nebraska Game and Parks Commission:

Norris Marshall, 186 W. Road, Kearney, NE 68845

Contingent upon your approval, the following individual is being appointed to the Nebraska Game and Parks Commission:

Robert Allen, 1 Plum Creek Canyon Dr. 12G, Eustis, NE 69028

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 5, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.
AMENDMENT(S) - Print in Journal

Senator Bloomfield filed the following amendment to LB88:

AM184
1 1. On page 2, line 16, strike "sixteen" and insert "eight"; and
2 after "dollars" insert "and fifty cents".

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 339:
Department of Revenue
   Ruth A. Sorensen, Property Tax Administrator

Voting in the affirmative, 32:

Coash       Hansen       Kolterman       Pansing       Brooks       Stinner
Crawford    Harr, B.     Krist         Riepe         Sullivan
Ebke        Hilkemann    Lindstrom     Scheer        Watermeier
Friesen     Howard       McCoy         Schnoor       Williams
Garrett     Hughes       Mello         Schumacher
Gloor       Johnson      Murante       Seiler
Hadley      Kolowski     Nordquist     Smith

Voting in the negative, 0.

Present and not voting, 12:
Excused and not voting, 5:

Bolz        Campbell       Cook       Davis       Haar, K.

The appointment was confirmed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 391:

State Emergency Response Commission
Tim Hofbauer
Dana Miller

Voting in the affirmative, 35:

Baker       Garrett       Johnson       McCoy       Schnoor
Bloomfield  Gloor        Kintner       Mello        Schumacher
Bolz        Haar, K.      Kolowski      Murante      Seiler
Brasch       Hadley       Kolterman     Nordquist     Smith
Craighead    Hansen       Kuehn        Pansing       Brooks
Crawford     Hilkemann    Larson        Riepe        Watermeier
Ebke         Howard       Lindstrom     Scheer       Williams

Voting in the negative, 0.

Present and not voting, 11:

Chambers    Groene       Krist        Schilz
Coash        Harr, B.      McCollister   Stinner
Friesen      Hughes       Morfeld

Excused and not voting, 3:

Campbell     Cook         Davis

The appointments were confirmed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.
Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 391:

- Nebraska Tourism Commission
  Carol E. Schlegel

Voting in the affirmative, 37:

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<tr>
<th>Baker</th>
<th>Friesen</th>
<th>Hughes</th>
<th>Mello</th>
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Voting in the negative, 0.

Present and not voting, 9:

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<th>Coash</th>
<th>Howard</th>
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<th>Morfeld</th>
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<td>Harr, B.</td>
<td>Kintner</td>
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Excused and not voting, 3:

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<tr>
<th>Campbell</th>
<th>Cook</th>
<th>Davis</th>
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The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 392:

- Military Department
  Daryl L. Bohac, Adjutant General

Voting in the affirmative, 37:

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<td>Friesen</td>
<td>Hughes</td>
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</table>

Voting in the negative, 0.
The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 392:

Department of Veterans Affairs
John Hilgert, Director

Voting in the affirmative, 39:

Baker Friesen Hughes Lindstrom Scheer
Bloomfield Garrett Johnson McCollister Schnoor
Bolz Groene Kintner Mello Seiler
Brasch Haar, K. Kolowski Morfeld Smith
Chambers Hadley Kolterman Murante Stinner
Craighed Hansen Krist Nordquist Watermeier
Crawford Hillemann Kuehn Pansing Brooks Williams
Ebke Howard Larson Riepe

Voting in the negative, 0.

Present and not voting, 7:

Coash Harr, B. Schilz Sullivan
Gloor McCoy Schumacher

Excused and not voting, 3:

Campbell Cook Davis

The appointment was confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.
Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 392:

State Fire Marshal
Jim Heine

Voting in the affirmative, 38:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Friesen</th>
<th>Johnson</th>
<th>McCollister</th>
<th>Seiler</th>
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<tbody>
<tr>
<td>Bloomfield</td>
<td>Garrett</td>
<td>Kintner</td>
<td>Mello</td>
<td>Smith</td>
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<tr>
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<td>Kolowski</td>
<td>Morfeld</td>
<td>Stinner</td>
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<tr>
<td>Brasch</td>
<td>Haar, K.</td>
<td>Kolterman</td>
<td>Murante</td>
<td>Sullivan</td>
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<td>Chambers</td>
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<td>Krist</td>
<td>Nordquist</td>
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<td>Craighead</td>
<td>Hilkemann</td>
<td>Kuehn</td>
<td>Pansing</td>
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<td>Crawford</td>
<td>Howard</td>
<td>Larson</td>
<td>Riepe</td>
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<tr>
<td>Ebke</td>
<td>Hughes</td>
<td>Lindstrom</td>
<td>Schnoor</td>
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</tbody>
</table>

Voting in the negative, 0.

Present and not voting, 8:

<table>
<thead>
<tr>
<th>Coash</th>
<th>Hadley</th>
<th>McCoy</th>
<th>Schilz</th>
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<tbody>
<tr>
<td>Groene</td>
<td>Harr, B.</td>
<td>Scheer</td>
<td>Schumacher</td>
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</tbody>
</table>

Excused and not voting, 3:

<table>
<thead>
<tr>
<th>Campbell</th>
<th>Cook</th>
<th>Davis</th>
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</thead>
</table>

The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 392:

State Personnel Board
Samuel Seever
Christopher Waddle

Voting in the affirmative, 38:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Garrett</th>
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<th>Seiler</th>
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<td>Lindstrom</td>
<td>Scheer</td>
<td></td>
</tr>
<tr>
<td>Friesen</td>
<td>Hughes</td>
<td>McCollister</td>
<td>Schnoor</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 0.

Present and not voting, 8:

Brasch  Groene  Kolterman  Schilz
Coash  Harr, B.  McCoy  Schumacher

Excused and not voting, 3:

Campbell  Cook  Davis

The appointments were confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 397:

   Nebraska State Fair Board
     William Marshall III

Voting in the affirmative, 38:

Baker  Friesen  Howard  McCollister  Seiler
Bloomfield  Garrett  Johnson  Mello  Smith
Bolz  Gloor  Kintner  Morfeld  Stinner
Brasch  Haar, K.  Kolowski  Murante  Sullivan
Chambers  Hadley  Kolterman  Nordquist  Watermeier
Craighead  Hansen  Krist  Riepe  Williams
Crawford  Harr, B.  Kuehn  Scheer
Ebke  Hilkemann  Lindstrom  Schnoor

Voting in the negative, 0.

Present and not voting, 8:

Coash  Hughes  McCoy  Schilz
Groene  Larson  Pansing Brooks Schumacher

Excused and not voting, 3:

Campbell  Cook  Davis

The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.
Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 397:
Department of Agriculture
Greg Ibach, Director

Voting in the affirmative, 29:

- Brasch
- Ebke
- Friesen
- Garrett
- Gloor
- Groene

- Hadley
- Hilkemann
- Hughes
- Johnson
- Kintner
- Kolterman

- Krist
- Kuehn
- Larson
- McCollister
- Mello
- Morfeld

- Murante
- Nordquist
- Riepe
- Scheer
- Schumacher
- Seiler

- Smith
- Stinner
- Sullivan
- Watermeier
- Williams

Voting in the negative, 2:

- Chambers
- Howard

Present and not voting, 15:

- Baker
- Bloomfield
- Bolz

- Coash
- Craighead
- Crawford

- Haar, K.
- Hansen
- Harr, B.

- Kolowski
- Lindstrom
- McCoy

- Pansing
- Schilz
- Schnoor

Excused and not voting, 3:

- Campbell
- Cook
- Davis

The appointment was confirmed with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 402:
Nebraska Investment Council
John Dinkel

Voting in the affirmative, 33:

- Baker
- Bloomfield
- Brasch
- Crawford
- Ebke
- Friesen
- Garrett

- Gloor
- Groene
- Haar, K.
- Hadley
- Hansen
- Hilkemann

- Johnson
- Kolterman
- Kuehn
- Krist
- Kuhne
- Lindstrom

- Mello
- Murante
- Nordquist
- Riepe
- Riepe
- Riepe

- Schumacher
- Smith
- Stinner
- Scheer
- Schmidt
- Scheer

Voting in the negative, 0.
Present and not voting, 13:

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<tbody>
<tr>
<td>Bolz</td>
<td>Craig</td>
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<td>Hughes</td>
<td>McCoy</td>
<td>Watermeier</td>
<td></td>
</tr>
</tbody>
</table>

Excused and not voting, 3:

<p>| | |</p>
<table>
<thead>
<tr>
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</tr>
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<tbody>
<tr>
<td>Campbell</td>
<td>Cook</td>
</tr>
<tr>
<td></td>
<td>Davis</td>
</tr>
</tbody>
</table>

The appointment was confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

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

Senator Mello filed the following amendment to LB430:

AM242
1. Insert the following new section:
2. Sec. 3. Of the unexpended General Fund appropriation balance
3. existing in Agency 25, Program 347, on June 30, 2014, reappropriated to
4. such program, $7,000,000 is hereby reappropriated to Agency 25, Program
5. 354 - Child Welfare Aid.
6. 2. Renumber the remaining sections accordingly.

**NOTICE OF COMMITTEE HEARING(S)**

Appropriations

Room 1003

Tuesday, February 17, 2015 1:30 p.m.

AM242 to LB430

(Signed) Heath Mello, Chairperson

**COMMITTEE REPORT(S)**

Natural Resources

The Natural Resources 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.

Joel G. Christensen - Nebraska Natural Resources Commission

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

(Signed) Ken Schilz, Chairperson
LEGISLATIVE BILL 272. Considered.

Senator Garrett offered the following amendment:

AM137
1 1. On page 2, strike beginning with "a" in line 18 through "veteran"
2 in line 21 and insert "proof of marriage to the veteran, and either (a) a
3 copy of the veteran's disability verification from the United States
4 Department of Veterans Affairs demonstrating a one hundred percent
5 permanent disability rating or (b) a copy of the veteran's Department of
6 Defense Form 1300 or its successor form documenting that the veteran was
7 killed in hostile action".

The Garrett amendment was adopted with 30 ayes, 0 nays, 15 present and
not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present
and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 305. Title read. Considered.

Committee AM112, found on page 352, was adopted with 31 ayes, 0 nays,
14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present
and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 23. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present
and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1507

Wednesday, February 18, 2015 1:30 p.m.

LB214
LB367
LB368
LB577
Thursday, February 19, 2015 1:30 p.m.

LB291
LB166
LB400
LB640

Friday, February 20, 2015 1:30 p.m.

Ronnie Mitchell - Department of Aeronautics
LB465
LB479
LB562
LR26CA

Wednesday, February 25, 2015 1:30 p.m.

LB541
LB646
LB649
LB273
LR35

Thursday, February 26, 2015 1:30 p.m.

LB462
LB571
LB140
LB202

Friday, February 27, 2015 1:30 p.m.

LB308
LB588
LB383
LB491

(Signed) John Murante, Chairperson

GENERAL FILE

LEGISLATIVE BILL 107. Title read. Considered.

Senator Gloor moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 8 present and not voting, and 4 excused and not voting.
LEGISLATIVE BILL 439. Placed on General File.

LEGISLATIVE BILL 179. Placed on General File with amendment. AM237
1 1. On page 4, line 3, strike "reduction" and insert "increase".

(Signed) Tyson Larson, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Judiciary
Room 1113

Wednesday, February 18, 2015 1:30 p.m.

LB113
LB425
LB426
LB545

Thursday, February 19, 2015 1:30 p.m.

LB406
LB415
LB316

Friday, February 20, 2015 1:30 p.m.

LB598
LB592
LB605
LB606

Wednesday, February 25, 2015 1:30 p.m.

LB25
LB212
LB482
LB292

Thursday, February 26, 2015 1:30 p.m.

LB566
LB13
LB15
LB347
LB502
Friday, February 27, 2015 1:30 p.m.

LB307
LB433
LB612
LB302
LB265

Wednesday, March 4, 2015 1:30 p.m.

LB354
LB459
LB294
LB268

Thursday, March 5, 2015 1:30 p.m.

LB195
LB254
LB327
LB620

Friday, March 6, 2015 1:30 p.m.

LB643
LB390
LB546
LB326

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

LB362
LB473

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

LB281
LB437
LB497
LB625

Wednesday, March 18, 2015 1:30 p.m.

LB422
LB114
LB187
LB358
LB463
Thursday, March 19, 2015 1:30 p.m.

LB136
LB289
LB30
LB14
LB603

Friday, March 20, 2015 1:30 p.m.

LB225
LB340
LB635
LB638

(Signed) Les Seiler, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Krist - LB114

VISITORS

Visitors to the Chamber were Audrey and Richard Kauders from Kearney; James, Anne, and Robert Moseman from Oakland; Gerald and Linda Vogel and Elizabeth Davis from Norfolk; Jan With and Doris Nelson from Norfolk.

The Doctor of the Day was Dr. Doug Dunning from Omaha.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Craighead, the Legislature adjourned until 10:00 a.m., Monday, February 9, 2015.

Patrick J. O'Donnell
Clerk of the Legislature