

**THIRTEENTH DAY - JANUARY 25, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 25, 2016

**PRAYER**

The prayer was offered by Reverend Jeffrey Bloom, Immanuel Lutheran Church, Lincoln.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Garrett who was excused; and Senators Bolz, Kintner, McCollister, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twelfth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 176.** Placed on Final Reading.

ST55

The following changes, required to be reported for publication in the Journal, have been made:

1. The Groene amendment, AM1634, has been incorporated into the E and R amendments, as follows: In ER143, on page 1, the matter beginning with "an" in line 9 through "or" in line 10 has been struck and "a" inserted.

2. In the E and R amendments, ER143, on page 4, line 27, "54-2601," has been inserted after "sections".

3. On page 1, line 2, "54-2601," has been inserted after "sections"; in line 4 "to change provisions relating to contract swine operations;" has been inserted after the semicolon; and in line 5 "to harmonize provisions;" has been inserted after the first semicolon.

(Signed) Matt Hansen, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

January 22, 2016

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 Commission for the Deaf and Hard of Hearing:

Margaret Propp, 7220 N. 15 Street, Lincoln, NE 68521

Contingent upon your approval, the following individual is being appointed to the Commission for the Deaf and Hard of Hearing:

Dr. Peter Seiler, 19022 B Street, Omaha, NE 68130

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

Enclosures

January 22, 2016

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 Public Employees Retirement Board:

J. Russell Derr, 1701 Farnam Street, Omaha, NE 68183

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

January 22, 2016

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 Coordinating Commission for Postsecondary Education:

Colleen Adam, 4900 Osborne Drive East, Hastings, NE 68901  
Ronald Hunter, 4293 470 Lane, Hay Springs, NE 69347

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

(Signed) Sincerely,  
Pete Ricketts  
Governor

Enclosures

**MESSAGE FROM THE SECRETARY OF STATE**

May 26, 2015

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Senators:

The purpose of this letter is to inform the honorable members of the  
Legislature that I have made the following appointment requiring  
Legislative confirmation:

Mr. Jeffery T. Peetz, esq., an Independent and a resident of the 1st  
Congressional District, has been appointed to fill a vacancy to the Nebraska  
Accountability and Disclosure Commission, for a six-year term beginning  
July 1, 2015, and ending on June 30, 2021. The appointee must be an  
Independent. Jeff replaces Jan Mumm, CPA, of Lincoln, Nebraska.

The appointment is made by me pursuant to the provisions of Sections 49-14,105, 49-14,110, 49-14,112, and 49-14,114 and is respectfully submitted for your consideration.

Attached is additional background information on the qualifications of the appointment.

Sincerely,  
(Signed) John A. Gale  
Secretary of State

cc: Frank Daley  
cc: Jeffery T. Peetz

js

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 421.** Introduced by Kolowski, 31.

WHEREAS, the Millard West High School Wildcat Marching Band was named Grand Champion at the field show competition at the 2015 National Funding Holiday Bowl in San Diego, California; and

WHEREAS, the Wildcats were first in their class and swept the caption awards, winning Best Music, Best Marching, Best Percussion, Best Color Guard, Best Drum Major, and Best General Effect; and

WHEREAS, these accomplishments would not have been possible without the hard work and dedication of the Wildcats and their band director John Keith; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Millard West High School Wildcat Marching Band on their accomplishments and on being named Grand Champion at the 2015 National Funding Holiday Bowl.

2. That a copy of this resolution be sent to the Millard West High School Wildcat Marching Band.

Laid over.

**MOTION(S) - Confirmation Report(s)**

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 379:

Environmental Quality Council  
James W. Hawks

Voting in the affirmative, 34:

Baker	Fox	Hilkemann	Lindstrom	Schumacher
Bloomfield	Friesen	Hughes	McCoy	Seiler
Brasch	Gloor	Johnson	Pansing Brooks	Smith
Chambers	Groene	Kolowski	Riepe	Stinner
Craighead	Haar, K.	Kolterman	Scheer	Sullivan
Crawford	Hadley	Kuehn	Schilz	Watermeier
Ebke	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 10:

Campbell	Cook	Harr, B.	Krist	Morfeld
Coash	Davis	Howard	Mello	Williams

Excused and not voting, 5:

Bolz	Garrett	Kintner	McCollister	Murante
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The appointment was confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 379:

Game and Parks Commission  
Richard R. Bell

Voting in the affirmative, 36:

Baker	Fox	Hilkemann	Larson	Schnoor
Bloomfield	Friesen	Howard	Lindstrom	Schumacher
Bolz	Gloor	Johnson	McCoy	Seiler
Brasch	Groene	Kolowski	Pansing Brooks	Smith
Chambers	Haar, K.	Kolterman	Riepe	Stinner
Craighead	Hadley	Krist	Scheer	Sullivan
Crawford	Hansen	Kuehn	Schilz	Watermeier
Ebke				

Voting in the negative, 0.

Present and not voting, 10:

Campbell	Cook	Harr, B.	Kintner	Morfeld
Coash	Davis	Hughes	Mello	Williams

Excused and not voting, 3:

Garrett      McCollister      Murante

The appointment was confirmed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 665.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 666.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 667.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 289.** Senator Chambers renewed his motion, MO165, found on page 397, to recommit to Judiciary Committee.

Senator Kuehn moved the previous question. The question is, "Shall the debate now close?"

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

Senator Kuehn requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 10:

Bolz	Coash	Gloor	Howard	Murante
Campbell	Davis	Harr, B.	Krist	Sullivan

Voting in the negative, 31:

Baker	Fox	Kintner	Riepe	Stinner
Bloomfield	Friesen	Kolterman	Scheer	Watermeier
Brasch	Groene	Kuehn	Schilz	Williams
Chambers	Hadley	Larson	Schnoor	
Cook	Hilkemann	Lindstrom	Schumacher	
Craighead	Hughes	McCollister	Seiler	
Ebke	Johnson	McCoy	Smith	

Present and not voting, 7:

Crawford	Hansen	Mello	Pansing Brooks
Haar, K.	Kolowski	Morfeld	

Excused and not voting, 1:

Garrett

The motion to cease debate failed with 10 ayes, 31 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 505A.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 505, One Hundred Fourth Legislature, Second Session, 2016.

#### **MOTION - Print in Journal**

Senator B. Harr filed the following motion to LB926:

MO166

Withdraw bill.

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

Senator Cook filed the following amendment to LB289:

AM1900

1 1. Insert the following new section:

2 Sec. 6. Section 42-924, Revised Statutes Cumulative Supplement,

3 2014, is amended to read:

4 42-924 (1)(a) ~~(1)~~ Any victim of domestic abuse may file a petition

5 and affidavit for a protection order as provided in subsection (2) of

6 this section. Upon the filing of such a petition and affidavit in support  
7 thereof, the court may issue a protection order without bond granting the  
8 following relief:

9 (i a) Enjoining the respondent from imposing any restraint upon the  
10 petitioner or upon the liberty of the petitioner;

11 (ii b) Enjoining the respondent from threatening, assaulting,  
12 molesting, attacking, or otherwise disturbing the peace of the  
13 petitioner;

14 (iii e) Enjoining the respondent from telephoning, contacting, or  
15 otherwise communicating with the petitioner;

16 (iv d) Removing and excluding the respondent from the residence of  
17 the petitioner, regardless of the ownership of the residence;

18 (v e) Ordering the respondent to stay away from any place specified  
19 by the court;

20 (vi f) Awarding the petitioner temporary custody of any minor  
21 children not to exceed ninety days; or

22 ~~(g) Enjoining the respondent from possessing or purchasing a firearm~~  
23 ~~as defined in section 28-1201; or~~

24 (vii h) Ordering such other relief deemed necessary to provide for  
25 the safety and welfare of the petitioner and any designated family or  
26 household member.

27 (b) An order issued pursuant to this subsection that meets the  
1 requirements of 18 U.S.C. 922(g)(8)(A) through (C), as such section  
2 existed on the effective date of this act, shall enjoin the respondent  
3 from possessing or purchasing a firearm, as defined in section 28-1201,  
4 for the length of the order.

5 (2) Petitions for protection orders shall be filed with the clerk of  
6 the district court, and the proceeding may be heard by the county court  
7 or the district court as provided in section 25-2740.

8 (3) A petition filed pursuant to subsection (1) of this section may  
9 not be withdrawn except upon order of the court. An order issued pursuant  
10 to subsection (1) of this section shall specify that it is effective for  
11 a period of one year and, if the order grants temporary custody, the  
12 number of days of custody granted to the petitioner unless otherwise  
13 modified by the court.

14 (4) Any person who knowingly violates a protection order issued  
15 pursuant to subsection (1) of this section or section 42-931 after  
16 service or notice as described in subsection (2) of section 42-926 shall  
17 be guilty of a Class I misdemeanor, except that any person convicted of  
18 violating such order who has a prior conviction for violating a  
19 protection order shall be guilty of a Class IV felony.

20 (5) If there is any conflict between sections 42-924 to 42-926 and  
21 any other provision of law, sections 42-924 to 42-926 shall govern.

22 2. Renumber the remaining section and correct the repealer  
23 accordingly.



Senator Cook filed the following amendment to LB289:

AM1901

1. Insert the following new section:

2 Sec. 6. Section 28-1206, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 28-1206 (1)(a) Any person who possesses a firearm, a knife, or brass  
5 or iron knuckles and who has previously been convicted of a felony, who  
6 is a fugitive from justice, or who is the subject of a current and  
7 validly issued domestic violence protection order and is knowingly  
8 violating such order, or (b) any person who possesses a firearm or brass  
9 or iron knuckles and who has been convicted ~~within the past seven years~~  
10 of a misdemeanor crime of domestic violence, commits the offense of  
11 possession of a deadly weapon by a prohibited person.

12 (2) The felony conviction may have been had in any court in the  
13 United States, the several states, territories, or possessions, or the  
14 District of Columbia.

15 (3)(a) Possession of a deadly weapon which is not a firearm by a  
16 prohibited person is a Class III felony.

17 (b) Possession of a deadly weapon which is a firearm by a prohibited  
18 person is a Class ID felony for a first offense and a Class IB felony for  
19 a second or subsequent offense.

20 (4)(a)(i) For purposes of this section, misdemeanor crime of  
21 domestic violence means:

22 (A)(I) A crime that is classified as a misdemeanor under the laws of  
23 the United States or the District of Columbia or the laws of any state,  
24 territory, possession, or tribe;

25 (II) A crime that has, as an element, the use or attempted use of  
26 physical force or the threatened use of a deadly weapon; and

27 (III) A crime that is committed by another against his or her  
1 spouse, his or her former spouse, a person with whom he or she has a  
2 child in common whether or not they have been married or lived together  
3 at any time, or a person with whom he or she is or was involved in a  
4 dating relationship as defined in section 28-323; or

5 (B)(I) Assault in the third degree under section 28-310, stalking  
6 under subsection (1) of section 28-311.04, false imprisonment in the  
7 second degree under section 28-315, or first offense domestic assault in  
8 the third degree under subsection (1) of section 28-323 or any attempt or  
9 conspiracy to commit one of these offenses; and

10 (II) The crime is committed by another against his or her spouse,  
11 his or her former spouse, a person with whom he or she has a child in  
12 common whether or not they have been married or lived together at any  
13 time, or a person with whom he or she is or was involved in a dating  
14 relationship as defined in section 28-323.

15 (ii) A person shall not be considered to have been convicted of a  
16 misdemeanor crime of domestic violence unless:

17 (A) The person was represented by counsel in the case or knowingly  
18 and intelligently waived the right to counsel in the case; and

19 (B) In the case of a prosecution for a misdemeanor crime of domestic  
20 violence for which a person was entitled to a jury trial in the

- 21 jurisdiction in which the case was tried, either:  
 22 (I) The case was tried to a jury; or  
 23 (II) The person knowingly and intelligently waived the right to have  
 24 the case tried to a jury.  
 25 (b) For purposes of this section, subject of a current and validly  
 26 issued domestic violence protection order pertains to a current court  
 27 order that was validly issued pursuant to section 28-311.09 or 42-924 or  
 28 that meets or exceeds the criteria set forth in section 28-311.10  
 29 regarding protection orders issued by a court in any other state or a  
 30 territory, possession, or tribe.  
 31 2. Renumber the remaining section and correct the repealer  
 1 accordingly.

Senator Mello filed the following amendment to LB560:  
 AM1897

- 1 1. Strike the original section and insert the following new section:  
 2 Section 1. The Board of Regents of the University of Nebraska  
 3 approved the creation of the Nebraska Innovation Campus in 2009. The  
 4 objective of the Nebraska Innovation Campus is to leverage the research  
 5 and talent of the University of Nebraska to produce economic development  
 6 for the State of Nebraska. The Board of Regents subsequently created the  
 7 Nebraska Innovation Campus Development Corporation whose function is to  
 8 provide strategic direction and oversight over the development of the  
 9 Nebraska Innovation Campus.  
 10 The Legislature finds that innovation is increasingly important in  
 11 the creation of new companies and the success of established ones. The  
 12 Legislature acknowledges that the achievement of the objective of the  
 13 Nebraska Innovation Campus requires a long-term strategy.  
 14 The Legislature determines that quantifiable measurements and  
 15 benchmarks are required to track and evaluate the performance of the  
 16 Nebraska Innovation Campus and its development corporation.  
 17 The following measurements regarding the Nebraska Innovation Campus  
 18 shall be reported to the Legislature by the Nebraska Innovation Campus  
 19 Development Corporation:  
 20 (1) The percentage of investments by the state and university  
 21 compared to private sector investments;  
 22 (2) The number of square feet of construction;  
 23 (3) The number of private companies located on Nebraska Innovation  
 24 Campus;  
 25 (4) The number of private sector jobs located on Nebraska Innovation  
 26 Campus;  
 27 (5) The amount of private sector research funding to the university  
 1 attributable to Nebraska Innovation Campus;  
 2 (6) The number of internships or other employment opportunities  
 3 provided by private sector companies at Nebraska Innovation Campus to  
 4 university students;  
 5 (7) The percentage of facilities leased by private sector companies;  
 6 (8) The number of new businesses started or supported at Nebraska  
 7 Innovation Campus;

- 8 (9) The number of conferences and participants at Nebraska
- 9 Innovation Campus; and
- 10 (10) The diversity of the appointments to the Nebraska Innovation
- 11 Campus Development Corporation Board of Directors.
- 12 The report shall be submitted electronically to the Clerk of the
- 13 Legislature by December 1 of each year.

**NOTICE OF COMMITTEE HEARING(S)**  
Banking, Commerce and Insurance

Room 1507

Tuesday, February 16, 2016 1:30 p.m.

LB740  
LB796  
LB856  
LB1041

Monday, February 22, 2016 1:30 p.m.

LB873  
LB1025  
LB1050

(Signed) Jim Scheer, Chairperson

Education

Room 1525

Monday, February 1, 2016 1:30 p.m.

LB1026  
LB1064  
LB1066

Tuesday, February 2, 2016 1:30 p.m.

LB1086  
LB1052  
LB1002

(Signed) Kate Sullivan, Chairperson

## Appropriations

Room 1524

Tuesday, February 2, 2016 1:30 p.m.

AM1897 to LB560

(Signed) Heath Mello, Chairperson

Executive Board

Room 2102

Monday, February 1, 2016 12:00 p.m.

LB686

LB1016

(Signed) Bob Krist, Chairperson

Business and Labor

Room 2102

Monday, February 1, 2016 1:30 p.m.

LB928

LB1089

LB896

LB850

LB830

(Signed) Burke Harr, Chairperson

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 422.** Introduced by Campbell, 25.

WHEREAS, on February 1, 1966, the city of Lincoln purchased from the Consumers Public Power District the properties in and around Lincoln which officially established the Lincoln Electric System (LES); and

WHEREAS, the purchase agreement initially provided that the electric system would be managed by the Consumers Public Power District with oversight by the City Power Advisory Board; and

WHEREAS, in November 1970, Lincoln voters overwhelmingly approved a ballot measure to create a semiautonomous administrative board to provide management of LES; and

WHEREAS, the LES administrative board hired Walter A. Canney effective August 16, 1971, to serve as the first administrator of LES; and

WHEREAS, for the past 50 years, LES customers have benefited from the key principles of local and public utility ownership which include local control, low rates, reliable service, and customer engagement; and

WHEREAS, LES has seen significant system growth over the past 50 years, including a growth in gross revenues from \$11 million in 1966 to approximately \$315 million in 2015; and

WHEREAS, for the past 50 years, LES has provided Lincoln homes and businesses with reliable, safe, and efficient electric service at retail rates which are consistently among the lowest in the country; and

WHEREAS, for the past 50 years, Lincoln has been well served by the many local people serving local people, including the 80 Lincoln residents who have served on the LES administrative board and the many men and women who have been employed by LES; and

WHEREAS, for 50 years, LES has been, and will continue to be, a valuable community asset and a proven leader in the areas of integrity, reliability, safety, customer service, environmental responsibility, energy efficiency, and fiscal responsibility.

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

1. That the Legislature congratulates the city of Lincoln, the Lincoln Electric System, and all of the present and past LES employees and board members on its 50th anniversary of operation in Lincoln.

2. That a copy of this resolution be sent to Mayor Chris Beutler and LES Administrator and Chief Executive Officer Kevin Wailes.

Laid over.

**COMMITTEE REPORT(S)**

Nebraska Retirement Systems

**LEGISLATIVE BILL 747.** Placed on General File.

(Signed) Mark Kolterman, Chairperson

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

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

Coash - LB276

Mello - LB716

**VISITOR(S)**

Visitors to the Chamber were members of Nebraskans Against Gun Violence from across the state; Cale Giese of the Nebraska LEAD Program from Wayne; Senator Groene's daughter, Rebecca Koellner, son-in-law, Greg Koellner, granddaughter, Correy, and grandson, Hudson, from Imperial; members from ABATE of Nebraska; Mecca Slaughter from Omaha; and members of the Nebraska Firearms Owners Association.

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Tuesday, January 26, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature