

THIRTY-FIRST DAY - FEBRUARY 16, 2017

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION**

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 16, 2017

PRAYER

The prayer was offered by Pastor Rob Clay, Imperial Bible Church, Imperial.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Briese who was excused; and Senators Friesen, Groene, Larson, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1524

Monday, February 27, 2017 1:30 p.m.

Agency 51 - University of Nebraska System
LB71
LB242
LB302
LB303
LB514

Tuesday, February 28, 2017 1:30 p.m.

Agency 24 - Motor Vehicles, Department of
Agency 48 - Coordinating Commission for Postsecondary Education
Agency 50 - Nebraska State College System
Agency 83 - Community College Aid

Room 1003

Wednesday, March 1, 2017 9:30 a.m.

LB580

Agency 21 - State Fire Marshal

Agency 31 - Military Department

Agency 35 - Liquor Control Commission, Nebraska

Agency 64 - State Patrol, Nebraska

Agency 78 - Nebraska Commission on Law Enforcement and Criminal
Justice

Thursday, March 2, 2017 1:30 p.m.

Agency 82 - Commission for the Deaf and Hard of Hearing

Agency 81 - Commission for the Blind and Visually Impaired

Agency 67 - Equal Opportunity Commission

Agency 68 - Latino-American Commission

Agency 70 - Foster Care Review Board, State

Agency 76 - Indian Commission, Nebraska

Friday, March 3, 2017 1:30 p.m.

Agency 57 - Oil and Gas Conservation Commission, Nebraska

Agency 75 - Investment Council, Nebraska

Agency 93 - Tax Equalization and Review Commission

Agency 16 - Revenue, Department of

LB545

(Signed) John Stinner, Chairperson

COMMUNICATION(S)

February 15, 2017

Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. Clerk:

As Chairperson of the Special Committee regarding the Election Challenge to the Qualification of Senator Ernie Chambers filed by Mr. John Sciara, I hereby file with your office an Order to Show Cause. The Order to Show Cause has been send to both parties, pursuant to Rule 10, Sec. 4(c).

Sincerely,
(Signed) Dan Watermeier

Chairman, Special Committee

C: Members of the Special Committee
Enclosure - Order to Show Cause

EXECUTIVE BOARD REPORT

February 15, 2017

Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. Clerk:

The purpose of this letter is to provide notification for the Journal that the Executive Board met on November 3, 2016, and pursuant to §81-8,241, adopted a motion to recommend Marshall Lux for reappointment to a six-year term as the Public Counsel (Ombudsman) for the State of Nebraska. A vote of two-thirds of the members of the Legislature is required for approval of this appointment.

Sincerely,
(Signed) Dan Watermeier
Chairman, Executive Board

C: Marshall Lux, Ombudsman

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 15, 2017, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Hassebrook, Kristen
We Support Agriculture
Husch Blackwell LLP
Coin Laundry Association c/o MultiState Associates Inc.

Jess, Fields
 Texas Public Policy Foundation
 Kissel/E&S Associates, LLC
 General Motors LLC
 Kruse, Dacia D.
 Better Living Counseling Services
 Pollock, Andy
 DISH Network LLC
 Radcliffe, Walter H. of Radcliffe and Associates
 Retail Energy Supply Association

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 33, 34, and 35 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 33, 34, and 35.

MOTION - Adopt Temporary Rules

Senator Chambers offered the following motion:
 Reconsider the vote taken on the adoption of the temporary rules.

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

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 72. Placed on General File.
LEGISLATIVE BILL 96. Placed on General File.
LEGISLATIVE BILL 257. Placed on General File.
LEGISLATIVE BILL 341. Placed on General File.
LEGISLATIVE BILL 375. Placed on General File.
LEGISLATIVE BILL 454. Placed on General File.

LEGISLATIVE BILL 92. Placed on General File with amendment.
 AM253

1 1. On page 2, strike beginning with "except" in line 4 through the
 2 comma in line 6; and in line 12 after the period insert "This section
 3 does not apply to any policy, certificate, contract, or plan that
 4 provides coverage for a specified disease or other limited-benefit
 5 coverage.".

(Signed) Brett Lindstrom, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 37.** Introduced by Kolowski, 31.

WHEREAS, Jacob Michael McNeill has been selected to attend the United States Senate Youth Program's 55th annual Washington Week as one of the two delegates from Nebraska; and

WHEREAS, the program was established in 1962 by a Senate Resolution to bring outstanding high school students who are interested in pursuing careers in public service to Washington, D.C., for an intensive week-long educational event; and

WHEREAS, each year two student delegates are selected for this extremely competitive merit-based program from each state, the District of Columbia, and the Department of Defense Education Activity; and

WHEREAS, student delegates will hear major policy addresses by senators, cabinet members, officials from the Departments of State and Defense and directors of other federal agencies, as well as participate in a meeting with a justice of the United States Supreme Court; and

WHEREAS, the Hearst Foundations provide transportation and all expenses for Washington Week and a \$10,000 undergraduate college scholarship for each delegate; and

WHEREAS, Jacob serves as senior class vice president, student council secretary, and captain of the congressional debate team at Elkhorn South High School, in addition to serving on both the Mayor's Youth Advisory Commission for Omaha Mayor Jean Stothert and Senator Deb Fischer's Omaha Youth Advisory Council; and

WHEREAS, Jacob plans to major in English at college, in preparation for a law degree.

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

1. That the Legislature congratulates Jacob McNeill for being chosen as a Nebraska delegate to the United States Senate Youth Program, and extends him best wishes for continued academic success and civic involvement.
2. That a copy of this resolution be sent to Mr. Jacob McNeill.

Laid over.

LEGISLATIVE RESOLUTION 38. Introduced by Kolowski, 31.

WHEREAS, National Speech and Debate Education Day is being celebrated on March 3, 2017; and

WHEREAS, National Speech and Debate Education Day was established by the National Speech & Debate Association in conjunction with national and local partners to promote better instruction in speech and debate across all grade levels and to highlight the pivotal roles these abilities play in personal advocacy, social movements, and public policy; and

WHEREAS, speech and debate education helps students develop important skills in communication, critical thinking, creativity, and

collaboration through the practice of public speaking and enables students not only to analyze and express complex ideas effectively, but also to listen, concur, question, or dissent with reason and compassion; and

WHEREAS, across the country, countless educators devote in-school, after-school, and weekend time to supporting their students in speech and debate practices and competitions, and the example of hard work and dedication these educators set has a lasting, positive impact on their pupils; and

WHEREAS, the skills learned through speech and debate serve students well throughout their lives, and this occasion presents a welcome opportunity to recognize such instruction as an essential component of a well-rounded curriculum.

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

1. That the Legislature recognizes March 3, 2017, as National Speech and Debate Education Day in the State of Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 39. Introduced by McCollister, 20.

WHEREAS, engineers plan, design, and implement engineering works that propel the nation's economy, enhance our quality of life and safeguard America's infrastructure; and

WHEREAS, engineers face the major technological challenges of our time, from rebuilding towns devastated by natural disasters to improving the Internet infrastructure that supports so much of our economy. Engineers use their scientific and technical knowledge and skills in creative and innovative ways to fulfill society's needs; and

WHEREAS, engineers are encouraging our young math and science students to realize the practical power of their knowledge; and

WHEREAS, to meet the challenges of the future, we will look more than ever to engineers and their knowledge and skills to bridge the gap between science, theory and practical application; and

WHEREAS, President George Washington is known as the nation's first engineer for his service as a military engineer and surveyor; and

WHEREAS, National Engineers Week was founded in 1951 and is celebrated during the week of Washington's birthday.

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

1. That the Legislature recognizes the contributions and achievements of Nebraska's engineers and recognizes February 19-25, 2017, as Engineers Week in Nebraska.

2. That a copy of this resolution be delivered to the American Council of Engineering Companies of Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 40. Introduced by Halloran, 33.

WHEREAS, Ryan Woitalewicz, a senior at Wood River High School, has achieved national recognition for exemplary volunteer service as a Nebraska Distinguished Finalist for the 2017 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Mr. Woitalewicz earned this honor by giving generously of his time and energy to Wood River's after-school program for elementary students, providing daily help with homework and physical education activities; and

WHEREAS, the success of the state, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Mr. Woitalewicz who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Ryan Woitalewicz as a Nebraska Distinguished Finalist for the 2017 Prudential Spirit of Community Award.

2. That the Legislature recognizes Mr. Woitalewicz's outstanding record of volunteer service, peer leadership, and community spirit and extends best wishes for his continued success and happiness.

3. That a copy of this resolution be sent to Mr. Woitalewicz.

Laid over.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Monday, February 27, 2017 1:30 p.m.

LB398

LB569

LB490

Tuesday, February 28, 2017 1:30 p.m.

LB521

LB511

LB512

Monday, March 6, 2017 1:30 p.m.

LB634
LB409
LB484

Tuesday, March 7, 2017 1:30 p.m.

LB651
LB662

Tuesday, March 14, 2017 1:30 p.m.

LB630
LB650
LB568

Monday, March 20, 2017 1:30 p.m.

LB155
LB308
LB14

(Signed) Mike Groene, Chairperson

GENERAL FILE

LEGISLATIVE BILL 74. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 131. Title read. Considered.

Senator Krist requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Albrecht	Crawford	Hughes	McCollister	Vargas
Baker	Ebke	Kolowski	McDonnell	Walz
Bolz	Geist	Kolterman	Morfeld	Wayne
Bostelman	Hansen	Krist	Pansing Brooks	Williams
Brewer	Hilgers	Kuehn	Schumacher	Wishart
Chambers	Hilkemann	Lindstrom	Smith	
Craighead	Howard	Lowe	Stinner	

Voting in the negative, 0.

Present and not voting, 13:

Blood	Erdman	Larson	Quick	Watermeier
Brasch	Halloran	Linehan	Riepe	
Clements	Harr	Murante	Scheer	

Excused and not voting, 3:

Briese	Friesen	Groene
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Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 132. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 5 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 133. Title read. Considered.

Senator Albrecht moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Senator Albrecht requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 39:

Baker	Ebke	Hughes	McDonnell	Smith
Blood	Friesen	Kolowski	Morfeld	Stinner
Bostelman	Geist	Kolterman	Murante	Vargas
Brewer	Hansen	Krist	Pansing Brooks	Walz
Chambers	Harr	Kuehn	Quick	Wayne
Clements	Hilgers	Lindstrom	Riepe	Williams
Craighead	Hilkemann	Linehan	Scheer	Wishart
Crawford	Howard	McCollister	Schumacher	

Voting in the negative, 5:

Albrecht	Brasch	Erdman	Halloran	Lowe
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Absent and not voting, 1:

Larson

Excused and not voting, 4:

Bolz	Briese	Groene	Watermeier
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Advanced to Enrollment and Review Initial with 39 ayes, 5 nays, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 113. Title read. Considered.

SPEAKER SCHEER PRESIDING

Committee AM5, found on page 294, was offered.

SENATOR KRIST PRESIDING

The committee amendment was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 18. Title read. Considered.

Senator Kolterman offered the following amendment:

AM24

1 1. On page 14, line 12, strike "any".

2 2. Insert the following new section:

3 "Sec. 23. This act becomes operative on January 1, 2018.".

4 3. Renumber the remaining section accordingly.

Pending.

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1524

Monday, March 6, 2017 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

LB378

LB538

Tuesday, March 7, 2017 1:30 p.m.

LB270

LB465

Agency 13 - Education, Department of

Agency 32 - Educational Lands and Funds, Board of

Agency 34 - Library Commission, Nebraska

LB221

Agency 29 - Natural Resources, Department of

Room 1003

Wednesday, March 8, 2017 1:30 p.m.

Agency 72 - Economic Development, Department of
Agency 91 - Nebraska Tourism Commission
Agency 54 - Historical Society, Nebraska State
Agency 52 - State Fair Board
LB115
LB281
LB379
LB620

Thursday, March 9, 2017 1:30 p.m.

Agency 19 - Banking, Department of
Agency 22 - Insurance, Department of
Agency 87 - Accountability and Disclosure Commission
Agency 65 - Administrative Services, Department of
LB611

Room 1524

Monday, March 13, 2017 1:30 p.m.

Agency 25 - Health and Human Services
Note: (Operations, Medicaid and Long Term Care, Public
Health, Veterans Homes Divisions)
LB513

Tuesday, March 14, 2017 1:30 p.m.

Agency 25 - Health and Human Services
Note: (Division of Developmental Disabilities, Children and
Family Services, Behavioral Health)
LB189
LB205
LB206
LB493

Room 1003

Wednesday, March 15, 2017 1:30 p.m.

LB356
Agency 69 - Arts Council, Nebraska
Agency 84 - Environmental Quality, Department of
Agency 71 - Nebraska Energy Office
Agency 33 - Game and Parks Commission

Thursday, March 16, 2017 1:30 p.m.

Agency 40 - Motor Vehicle Licensing Board, Nebraska
Agency 17 - Aeronautics, Department of
Agency 27 - Roads, Department of
Agency 47 - Educational Telecommunications Commission, Nebraska

Friday, March 17, 2017 1:30 p.m.

LB524

LB621

LB149

Agency 7 - Governor

Agency 8 - Lieutenant Governor

Agency 9 - Secretary of State

Agency 10 - Auditor of Public Accounts

Agency 12 - State Treasurer

Agency 14 - Public Service Commission

Agency 3 - Legislative Council

(Signed) John Stinner, Chairperson

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 348. Indefinitely postponed.

(Signed) Lydia Brasch, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 41. Introduced by Hilkemann, 4; Linehan, 39.

WHEREAS, the Elkhorn South High School softball team defeated Gretna High School to win the Class B State Softball Championship; and

WHEREAS, this win was the Elkhorn South Storm's first state title in softball; and

WHEREAS, the Elkhorn South Storm defeated the Gretna Dragons by a score of 9-2 in the final game; 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 FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Elkhorn South Storm for their outstanding season and for winning the 2016 Class B State Softball Championship.

2. That a copy of this resolution be sent to the Elkhorn South Storm and Coach Terry Graver.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Murante name added to LB59.
Senator Erdman name added to LB368.
Senator Ebke name added to LB576.

VISITOR(S)

Visitors to the Chamber were 14 fourth-grade students from Trinity Lutheran, Lincoln; Jessi Hitchins, Jeff Horger, and Dan Hawkins; members of Elkhorn Rural Public Power District and Stanton Rural Public Power District; and former Senator Mark Christensen from Imperial.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Hansen, the Legislature adjourned until 9:00 a.m., Tuesday, February 21, 2017.

Patrick J. O'Donnell
Clerk of the Legislature

