

THIRTY-SIXTH DAY - FEBRUARY 27, 2017

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION**

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 27, 2017

PRAYER

The prayer was offered by Father Mark Seiker, St. Elizabeth Ann Seton Catholic Church, North Platte.

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 Hansen who was excused; and Senators Friesen, McCollister, Pansing Brooks, Riepe, and Wayne who were excused until they arrive.

SPEAKER SCHEER PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 639. Placed on General File with amendment.
AM280

1 1. On page 3, line 1, strike beginning with "within" through "of"
2 and insert "the time during which the servicemember serves on active duty
3 as described in subdivision (1) of this section and up to one hundred
4 eighty days after".

(Signed) Joni Albrecht, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 8. Placed on Select File with amendment.

ER9

- 1 1. On page 9, line 9, before "court" insert "a".
- 2 2. On page 10, line 24, after "for" insert "a".
- 3 3. On page 13, line 14, strike "(2)(b)", show as stricken, and
- 4 insert "(5)(b)".
- 5 4. On page 15, line 19, strike the second "the".

LEGISLATIVE BILL 11. Placed on Select File.**LEGISLATIVE BILL 57.** Placed on Select File.**LEGISLATIVE BILL 10.** Placed on Select File.**LEGISLATIVE BILL 10A.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

ANNOUNCEMENT(S)

Senator Lowe designates LB368 as his priority bill.

The State-Tribal Relations Committee designates LB407 as its priority bill.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 49.** Introduced by Albrecht, 17.

WHEREAS, the Pender High School Dragon Flames dance team won state titles for both their Hip Hop and Pom routines at the tenth annual Nebraska State High School Cheer and Dance Championship; and

WHEREAS, over 2,000 student-athletes participated in the cheer and dance competition held by the Nebraska Coaches Association in Grand Island on February 17th and 18th, 2017; and

WHEREAS, the Pender Flames began their season in July, competing in four contests and entertaining the crowd at Pender High School home games; and

WHEREAS, these victories are a testament to the hard work, determination, and teamwork of the Lady Dragons; 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 Pender High School Dragon Flames dance team for their outstanding performances and for winning the 2017 Class D State Championship for both their Hip Hop and Pom routines.

2. That a copy of this resolution be sent to the Pender Flames and Coach Kim Bovee.

Laid over.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 37, 38, 39, 40, and 41 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 37, 38, 39, 40, and 41.

GENERAL FILE

LEGISLATIVE BILL 46. Senator Watermeier renewed his amendment, AM37, found on page 544.

The Watermeier amendment was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Senator Morfeld offered his amendment, AM40, found on page 339.

SENATOR HUGHES PRESIDING**SPEAKER SCHEER PRESIDING**

Senator Morfeld moved for a call of the house. The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Senator Morfeld requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Chambers	Howard	Morfeld	Pansing Brooks	Wishart
----------	--------	---------	----------------	---------

Voting in the negative, 31:

Albrecht	Craighead	Hilkemann	McDonnell	Walz
Blood	Ebke	Hughes	Murante	Watermeier
Bostelman	Erdman	Kolterman	Riepe	Williams
Brasch	Geist	Kuehn	Scheer	
Brewer	Groene	Lindstrom	Schumacher	
Briese	Halloran	Linehan	Smith	
Clements	Hilgers	Lowe	Stinner	

Present and not voting, 8:

Baker	Crawford	Krist	Quick
Bolz	Kolowski	McCollister	Vargas

Excused and not voting, 5:

Friesen Hansen Harr Larson Wayne

The Morfeld amendment lost with 5 ayes, 31 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Chad W. Buckendahl - Technical Advisory Committee for Statewide Assessment

Aye: 6 Ebke, Groene, Kolowski, Morfeld, Pansing Brooks, Walz. Nay: 2 Erdman, Linehan. Absent: 0. Present and not voting: 0.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Gwenn Aspen - Coordinating Commission for Postsecondary Education

Aye: 8 Ebke, Erdman, Groene, Kolowski, Linehan, Morfeld, Pansing Brooks, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Mike Groene, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 447A. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 447, One Hundred Fifth Legislature, First Session, 2017.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 124. Placed on General File.

LEGISLATIVE BILL 377. Placed on General File.

LEGISLATIVE BILL 427. Placed on General File.

LEGISLATIVE BILL 645. Placed on General File with amendment.
AM106

1 1. On page 3, line 4, after "disability" insert "under subdivision
2 (13) of this section".

(Signed) Mike Groene, Chairperson

COMMUNICATION

Acknowledge the receipt of a memorandum from Senator Chambers in response to the Order to Show Cause in the matter of the Special Committee on the Election Challenge to the Qualifications of Senator Ernie Chambers of District 11.

GENERAL FILE

LEGISLATIVE BILL 46. Senator Chambers offered his amendment, FA2, found on page 358.

SENATOR LINDSTROM PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 6:

Chambers	Pansing Brooks	Wayne
Kolowski	Vargas	Wishart

Voting in the negative, 32:

Albrecht	Craighead	Hilgers	Lowe	Stinner
Blood	Crawford	Hilkemann	McCollister	Walz
Bostelman	Ebke	Hughes	McDonnell	Watermeier
Brasch	Erdman	Kolterman	Murante	Williams
Brewer	Geist	Kuehn	Riepe	
Briese	Groene	Lindstrom	Scheer	
Clements	Halloran	Linehan	Smith	

Present and not voting, 6:

Baker	Howard	Quick
Bolz	Morfeld	Schumacher

Excused and not voting, 5:

Friesen	Hansen	Harr	Krist	Larson
---------	--------	------	-------	--------

The Chambers amendment lost with 6 ayes, 32 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered his amendment, FA3, found on page 359.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 6 nays, and 20 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 6:

Chambers	Pansing Brooks	Wayne
Howard	Vargas	Wishart

Voting in the negative, 32:

Albrecht	Craighead	Halloran	Linehan	Stinner
Blood	Crawford	Hilgers	Lowe	Walz
Bostelman	Ebke	Hilkemann	McCollister	Watermeier
Brasch	Erdman	Hughes	McDonnell	Williams
Brewer	Friesen	Kolterman	Murante	
Briese	Geist	Kuehn	Riepe	
Clements	Groene	Lindstrom	Scheer	

Present and not voting, 8:

Baker	Harr	Krist	Quick
Bolz	Kolowski	Morfeld	Schumacher

Excused and not voting, 3:

Hansen	Larson	Smith
--------	--------	-------

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

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 85. Placed on Select File with amendment.

ER11

1 1. In the Standing Committee amendments, AM30, on page 5, line 21, 2 strike "32,607" and insert "32-607".

3 2. On page 1, strike beginning with "32-602" in line 1 through line 4 7 and insert "32-602, 32-607, and 49-1401, Reissue Revised Statutes of 5 Nebraska, and section 49-14,123, Revised Statutes Cumulative Supplement, 6 2016; to change provisions of the Election Act relating to eligibility to

7 file for office and candidate filing forms; to provide a requirement for
8 persons appointed to certain elective or appointive offices; to provide a
9 duty for the Nebraska Accountability and Disclosure Commission; to
10 harmonize provisions; and to repeal the original sections."

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Roger Dixon - Nebraska Tourism Commission
Mitch Glidden - Nebraska Tourism Commission
Tony Moody - Nebraska Tourism Commission
Carol Schlegel - Nebraska Tourism Commission

Aye: 8 Blood, Brewer, Briese, Craighead, Hilgers, Lowe, Murante, Wayne.
Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Mary Shanahan - State Personnel Board

Aye: 8 Blood, Brewer, Briese, Craighead, Hilgers, Lowe, Murante, Wayne.
Nay: 0. Absent: 0. Present and not voting: 0.

LEGISLATIVE BILL 222. Placed on General File.

LEGISLATIVE BILL 318. Placed on General File.

LEGISLATIVE RESOLUTION 6. Placed on General File.

LEGISLATIVE RESOLUTION 18CA. Placed on General File.

LEGISLATIVE BILL 151. Placed on General File with amendment.
AM334 is available in the Bill Room.

LEGISLATIVE BILL 280. Placed on General File with amendment.
AM48

1 1. Strike original sections 4 and 5 and insert the following new
2 sections:

3 Sec. 4. Section 84-907.03, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 84-907.03 There is hereby created the Secretary of State

6 Administration Cash Fund. The fund shall consist of revenue received to
 7 defray costs as authorized in sections 25-3308 and 84-901 to 84-908. The
 8 revenue shall be collected by the Secretary of State and remitted to the
 9 State Treasurer for credit to the fund. The fund shall be used to (1)
 10 offset expenses incurred as a result of sections 84-901 to 84-908, (2)
 11 ~~administer the Address Confidentiality Act, (3) administer the Nebraska~~
 12 ~~Uniform Athlete Agents Act, and (3) (4) administer the Nonrecourse Civil~~
 13 ~~Litigation Act.~~

14 Any money in the fund available for investment shall be invested by
 15 the state investment officer pursuant to the Nebraska Capital Expansion
 16 Act and the Nebraska State Funds Investment Act.

17 Sec. 5. Section 9-531, Uniform Commercial Code, Revised Statutes
 18 Cumulative Supplement, 2016, is amended to read:

19 9-531 (a) There is created the Uniform Commercial Code Cash Fund.
 20 Except as otherwise specifically provided, all funds received pursuant to
 21 this part and sections 52-1312, 52-1313, 52-1316, and 52-1602, Reissue
 22 Revised Statutes of Nebraska, shall be placed in the fund and used by the
 23 Secretary of State to carry out this part, the Address Confidentiality
 24 Act, sections 52-1301 to 52-1322, Reissue Revised Statutes of Nebraska,
 25 and sections 52-1601 to 52-1605, Reissue Revised Statutes of Nebraska,
 26 except that transfers from the Uniform Commercial Code Cash Fund to the
 27 General Fund, the Election Administration Fund, and the Records
 1 Management Cash Fund may be made at the direction of the Legislature.

2 (b)(1) The Secretary of State shall furnish each county clerk with
 3 computer terminal hardware, including a printer, compatible with the
 4 centralized computer system implemented and maintained pursuant to
 5 section 9-529, for inquiries and searches of information in such
 6 centralized computer system. The terminals shall be readily and
 7 reasonably available and accessible to members of the public for such
 8 inquiries and searches.

9 (2) The fees charged by county clerks for inquiries and other
 10 services regarding information in the centralized computer system shall
 11 be the same as set forth for filing offices in this part.

12 2. Amend the repealer and renumber the remaining section
 13 accordingly.

LEGISLATIVE BILL 624. Placed on General File with amendment.
 AM330

1 1. On page 2, line 4, strike "and pays a fee of twenty-five
 2 dollars"; in lines 9 and 10 and 12 strike "the fee and"; and in line 14
 3 strike "payment of the fee and".

LEGISLATIVE BILL 655. Placed on General File with amendment.
 AM177

1 1. Strike the original sections and insert the following new
 2 section:

3 Section 1. (1) For purposes of this section, government agency
 4 means any political subdivision of the State of Nebraska; any agency,
 5 created by the Constitution of Nebraska, statute, or otherwise pursuant

6 to law, of the executive department of the State of Nebraska; and any
7 independent board, commission, bureau, committee, council, subunit, or
8 other body created by the Constitution of Nebraska, statute, or otherwise
9 pursuant to law.

10 (2) The individual or entity charged with governance of a government
11 agency may permit an employee of the government agency to participate in
12 volunteer activities at a public elementary, middle, or high school, or a
13 nonprofit organization that focuses on such education, during normal work
14 hours, without loss of pay, vacation time, sick leave, or earned overtime
15 accumulation. The individual or entity charged with governance of a
16 government agency may adopt and promulgate rules and regulations as
17 necessary regarding such activities.

(Signed) John Murante, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McDonnell name added to LB300.
Senator Watermeier name added to LB589.
Senator Kolowski name added to LR47.
Senator Watermeier name added to LR48.

VISITOR(S)

Visitors to the Chamber were members of the Urban League of Young Professionals.

The Doctor of the Day was Dr. Amy Jespersen from Omaha.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Baker, the Legislature adjourned until 9:00 a.m., Tuesday, February 28, 2017.

Patrick J. O'Donnell
Clerk of the Legislature

