

THIRTEENTH DAY - JANUARY 23, 2017

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION**

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 23, 2017

PRAYER

The prayer was offered by Senator Williams.

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 Friesen, Krist, Quick, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

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

Room 1507

Monday, January 30, 2017 1:30 p.m.

LB137
LB231
LB241
LB239

Tuesday, January 31, 2017 1:30 p.m.

LB148
LB187
LB486
LB306

(Signed) Brett Lindstrom, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 12, 13, and 14 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 12, 13, and 14.

MOTION(S) - Withdraw LB106

Senator Brasch offered her motion, MO16, found on page 317, to withdraw LB106.

The Brasch motion to withdraw the bill prevailed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 56. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 45. Title read. Considered.

Pending.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Monday, January 30, 2017 1:30 p.m.

LB58
LB427
LB428

Tuesday, January 31, 2017 1:30 p.m.

LB214
LB457
LB175
LB377

(Signed) Mike Groene, Chairperson

Transportation and Telecommunications

Room 1113

Monday, January 30, 2017 1:30 p.m.

LB55
LB584
LB78
LB339

(Signed) Curt Friesen, Chairperson

General Affairs

Room 1510

Monday, January 30, 2017 1:30 p.m.

LB463
LB393
LB469

(Signed) Tyson Larson, Chairperson

Nebraska Retirement Systems

Room 1525

Monday, February 13, 2017 12:00 p.m.

LB532

Thursday, February 23, 2017 12:00 p.m.

LB548

(Signed) Mark Kolterman, Chairperson

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 62. Placed on General File.

LEGISLATIVE BILL 119. Placed on General File.

(Signed) Mike Groene, Chairperson

Judiciary

LEGISLATIVE BILL 8. Placed on General File.

LEGISLATIVE BILL 11. Placed on General File.

LEGISLATIVE BILL 57. Placed on General File.

LEGISLATIVE BILL 10. Placed on General File with amendment.

AM27

1 1. On page 2, line 9, strike "Six" and insert "Seven".

(Signed) Laura Ebke, Chairperson

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.

Patrick Berggren - Game and Parks Commission

Henry Rick Brandt - Game and Parks Commission

James Ernst - Game and Parks Commission

Aye: 7 Albrecht, Bostelman, Geist, Hughes, McCollister, Quick, Walz. Nay:

0. Absent: 1 Kolowski. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

GENERAL FILE

LEGISLATIVE BILL 45. Senator Chambers offered the following motion:

MO17

Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Senator Watermeier offered the following amendment:

FA1

Strike beginning with "a" in line 23, page 3 through "trust" in line 25 and insert "a person who"

After "section" in line 25, page 3 insert "who is a designated beneficiary of a trust"

Senator Watermeier withdrew his amendment.

Senator McCollister offered the following amendment:

AM32

1 1. On page 3, line 23, strike "or"; and in line 25 after "section"

2 insert ", or (d) a current or former commissioned officer of the United

3 States Public Health Service or National Oceanic and Atmospheric
4 Administration who has been detailed directly to any branch of such armed
5 forces for service on active or reserve duty and who was discharged or
6 otherwise separated with a characterization of honorable or general
7 (under honorable conditions) as proven with valid orders from the United
8 States Department of Defense, a statement of service provided by the
9 United States Public Health Service, or a report of transfer or discharge
10 provided by the National Oceanic and Atmospheric Administration".

Pending.

NOTICE OF COMMITTEE HEARING(S)

Urban Affairs

Room 1510

Tuesday, January 31, 2017 1:30 p.m.

LB256
LB383
LB304
LB399

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

LB9
LB455
LB591
LB590

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

LB625
LB97
LB614

Tuesday, February 21, 2017 1:30 p.m.

LB579
LB262
LB489
LB597

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

LB95
LB496
LR16CA

(Signed) Justin Wayne, Chairperson

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 85. Placed on General File with amendment.
AM30

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

3 Section 1. Section 32-602, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 32-602 (1) Any person seeking an elective office shall be a
6 registered voter at the time of filing for the office pursuant to section
7 32-606 or 32-611.

8 (2) Any person filing for office shall meet the constitutional and
9 statutory requirements of the office for which he or she is filing. If a
10 person is filing for a partisan office, he or she shall be a registered
11 voter affiliated with the appropriate political party if required
12 pursuant to section 32-702. If the person is required to sign a contract
13 or comply with a bonding or equivalent commercial insurance policy
14 requirement prior to holding such office, he or she shall be at least
15 nineteen years of age at the time of filing for the office.

16 (3) A person shall not be eligible to file for an office if he or
17 she holds the office and his or her term of office expires after the
18 beginning of the term of office for which he or she would be filing. This
19 subsection does not apply to filing for an office to represent a
20 different district, ward, subdistrict, or subdivision of the same
21 governmental entity as the office held at the time of filing.

22 (4)(a) Except as provided in subdivision (b) of this subsection, a
23 person shall not be eligible to file for an office until he or she has
24 paid any outstanding civil penalties and interest imposed pursuant to the
25 Nebraska Political Accountability and Disclosure Act. The filing officer
26 shall determine such eligibility before accepting a filing. The Nebraska
27 Accountability and Disclosure Commission shall provide the filing
1 officers with current information or the most current list of such
2 outstanding civil penalties and interest owed pursuant to subdivision
3 (13) of section 49-14.123.

4 (b) A person owing a civil penalty to the commission shall be
5 eligible to file for an office if:

6 (i) The matter in which the civil penalty was assessed is pending on
7 appeal before a state court; and

8 (ii) The person files with the commission a surety bond running in
9 favor of the State of Nebraska with surety by a corporate bonding company
10 authorized to do business in this state and conditioned upon the payment
11 of the civil penalty imposed under the Nebraska Political Accountability
12 and Disclosure Act.

13 ~~(5) (4)~~ The governing body of the political subdivision swearing in
14 the officer shall determine whether the person meets all requirements
15 prior to swearing in the officer.

16 Sec. 2. Section 32-607, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 32-607 All candidate filing forms shall contain the following
19 statement: I hereby swear that I will abide by the laws of the State of
20 Nebraska regarding the results of the primary and general elections, that
21 I am a registered voter and qualified to be elected, and that I will
22 serve if elected. Candidate filing forms shall also contain the following
23 information regarding the candidate: Name ~~candidate's name~~; residence
24 address; mailing address if different from the residence address;
25 telephone number; office sought; ~~and~~ party affiliation if the office
26 sought is a partisan office; a statement as to whether or not civil
27 penalties are owed pursuant to the Nebraska Political Accountability and
28 Disclosure Act; and, if civil penalties are owed, whether or not a surety
29 bond has been filed pursuant to subdivision (4)(b) of section 32-602.

30 Candidate filing forms shall be filed with the following filing officers:

31 (1) For candidates for national, state, or congressional office,
1 directors of public power and irrigation districts, directors of
2 reclamation districts, directors of natural resources districts, members
3 of the boards of educational service units, members of governing boards
4 of community colleges, delegates to national conventions, and other
5 offices filled by election held in more than one county and judges
6 desiring retention, in the office of the Secretary of State;
7 (2) For officers elected within a county, in the office of the
8 election commissioner or county clerk;
9 (3) For officers in school districts which include land in adjoining
10 counties, in the office of the election commissioner or county clerk of
11 the county in which the greatest number of registered voters entitled to
12 vote for the officers reside; and
13 (4) For city or village officers, in the office of the election
14 commissioner or county clerk.

15 Sec. 3. Section 49-1401, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 49-1401 Sections 49-1401 to 49-14,141 and section 4 of this act
18 shall be known and may be cited as the Nebraska Political Accountability
19 and Disclosure Act.

20 Sec. 4. No person shall be appointed to any elective or appointive
21 office specified in section 49-1493 until he or she has first paid any
22 outstanding civil penalties and interest imposed pursuant to the Nebraska
23 Political Accountability and Disclosure Act.

24 Sec. 5. Section 49-14,123, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 49-14,123 In addition to any other duties prescribed by law, the
27 commission shall:

28 (1) Adopt and promulgate rules and regulations to carry out the
29 Nebraska Political Accountability and Disclosure Act pursuant to the
30 Administrative Procedure Act;
31 (2) Prescribe forms for statements and reports required to be filed
1 pursuant to the Nebraska Political Accountability and Disclosure Act and
2 furnish such forms to persons required to file such statements and

3 reports;

4 (3) Prepare and publish one or more manuals explaining the duties of
5 all persons and other entities required to file statements and reports by
6 the act and setting forth recommended uniform methods of accounting and
7 reporting for such filings;

8 (4) Accept and file any reasonable amount of information voluntarily
9 supplied that exceeds the requirements of the act;

10 (5) Make statements and reports filed with the commission available
11 for public inspection and copying during regular office hours and make
12 copying facilities available at a cost of not more than fifty cents per
13 page;

14 (6) Compile and maintain an index of all reports and statements
15 filed with the commission to facilitate public access to such reports and
16 statements;

17 (7) Prepare and publish summaries of statements and reports filed
18 with the commission and special reports and technical studies to further
19 the purposes of the act;

20 (8) Review all statements and reports filed with the commission in
21 order to ascertain whether any person has failed to file a required
22 statement or has filed a deficient statement;

23 (9) Preserve statements and reports filed with the commission for a
24 period of not less than five years from the date of receipt;

25 (10) Issue and publish advisory opinions on the requirements of the
26 act upon the request of a person or government body directly covered or
27 affected by the act. Any such opinion rendered by the commission, until
28 amended or revoked, shall be binding on the commission in any subsequent
29 charges concerning the person or government body who requested the
30 opinion and who acted in reliance on it in good faith unless material
31 facts were omitted or misstated by the person or government body in the
1 request for the opinion;

2 (11) Act as the primary civil enforcement agency for violations of
3 the Nebraska Political Accountability and Disclosure Act and the rules or
4 regulations adopted and promulgated thereunder;

5 (12) Receive all late filing fees, civil penalties, and interest
6 imposed pursuant to the Nebraska Political Accountability and Disclosure
7 Act and remit all such funds to the State Treasurer for credit to the
8 Nebraska Accountability and Disclosure Commission Cash Fund; ~~and~~

9 (13) Provide current information or a list of persons owing civil
10 penalties and interest to filing officers to determine compliance with
11 subsection (4) of section 32-602. The commission shall provide the
12 current information or list to each filing officer on December 1 prior to
13 a statewide primary election, shall continuously update the information
14 or list through March 1 prior to the statewide primary election, and
15 shall update such information or list at other times upon request of a
16 filing officer; and

17 ~~(14)~~ (13) Prepare and distribute to the appropriate local officials
18 statements of financial interest, campaign committee organization forms,
19 filing instructions and forms, and such other forms as the commission may
20 deem appropriate.

21 Sec. 6. Original sections 32-602, 32,607, and 49-1401, Reissue
22 Revised Statutes of Nebraska, and section 49-14,123, Revised Statutes
23 Cumulative Supplement, 2016, are repealed.

(Signed) John Murante, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hilkemann name added to LB46.
Senator Quick name added to LB46.
Senator Ebke name added to LB103.
Senator Hilkemann name added to LB195.
Senator Bolz name added to LB456.
Senator Geist name added to LB46.
Senator Lindstrom name added to LB553.
Senator Riepe name added to LB46.

VISITOR(S)

Visitors to the Chamber were members of Nebraska Abate from across the state; and 30 students and teachers from St. Mary's School, Lincoln.

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Murante, the Legislature adjourned until 9:00 a.m., Tuesday, January 24, 2017.

Patrick J. O'Donnell
Clerk of the Legislature

