

**THIRTY-SECOND DAY - FEBRUARY 21, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 21, 2017

**PRAYER**

The prayer was offered by Pastor Adam Stahr, Two Pillars Church, Lincoln.

**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 Hansen, Harr, Kuehn, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-first day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 74.** Placed on Select File.

**LEGISLATIVE BILL 131.** Placed on Select File.

**LEGISLATIVE BILL 132.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 607.** Indefinitely postponed.

(Signed) Jim Smith, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 42.** Introduced by Stinner, 48.

WHEREAS, Daeton Blanco, Mark Karpf, and Riley Gaudreault, members of Troop 17 of Gering, have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, Daeton, Mark, and Riley have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Daeton, Mark, and Riley, through their hard work and perseverance, have joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Daeton Blanco, Mark Karpf, and Riley Gaudreault on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Daeton Blanco, Mark Karpf, and Riley Gaudreault.

Laid over.

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

Senator Brasch moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 412:

Nebraska State Fair Board  
Dennis Hoffman

Voting in the affirmative, 38:

Albrecht	Craighead	Howard	Lowe	Smith
Baker	Ebke	Hughes	McCollister	Vargas
Blood	Erdman	Kolowski	Murante	Walz
Brasch	Friesen	Kolterman	Pansing Brooks	Watermeier
Brewer	Geist	Krist	Quick	Williams
Briese	Groene	Larson	Riepe	Wishart
Chambers	Hilgers	Lindstrom	Scheer	
Clements	Hilkemann	Linehan	Schumacher	

Voting in the negative, 0.

Present and not voting, 7:

Bolz	Crawford	McDonnell	Wayne
Bostelman	Halloran	Stinner	

Excused and not voting, 4:

Hansen	Harr	Kuehn	Morfeld
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The appointment was confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 461:

Nebraska Ethanol Board  
Randy Gard

Voting in the affirmative, 39:

Albrecht	Clements	Hilkemann	Lowe	Smith
Baker	Craighead	Howard	McCollister	Stinner
Blood	Ebke	Hughes	McDonnell	Vargas
Bostelman	Erdman	Kolowski	Pansing Brooks	Walz
Brasch	Friesen	Kolterman	Quick	Watermeier
Brewer	Geist	Krist	Riepe	Wayne
Briese	Groene	Lindstrom	Scheer	Williams
Chambers	Hilgers	Linehan	Schumacher	

Voting in the negative, 0.

Present and not voting, 6:

Bolz	Halloran	Murante
Crawford	Larson	Wishart

Excused and not voting, 4:

Hansen	Harr	Kuehn	Morfeld
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The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Ebke moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 472:

Crime Victim's Reparations Committee  
 Jeffrey Davis  
 Joe P. Kelly  
 Rita G. Sanders

Voting in the affirmative, 36:

Albrecht	Craighead	Hilgers	McCollister	Vargas
Baker	Crawford	Hilkemann	McDonnell	Walz
Blood	Ebke	Hughes	Pansing Brooks	Watermeier
Brasch	Erdman	Kolowski	Quick	Williams
Brewer	Friesen	Kolterman	Riepe	
Briese	Geist	Lindstrom	Scheer	
Chambers	Groene	Linehan	Schumacher	
Clements	Halloran	Lowe	Smith	

Voting in the negative, 0.

Present and not voting, 9:

Bolz	Howard	Larson	Stinner	Wishart
Bostelman	Krist	Murante	Wayne	

Excused and not voting, 4:

Hansen	Harr	Kuehn	Morfeld
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The appointments were confirmed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

#### **MOTION - Ombudsman Appointment**

Senator Watermeier moved the reappointment, found on page 489, of Marshall Lux as Public Counsel (Ombudsman), and asks that the Legislature vote its approval as required by Section 81-8,241. A two-thirds vote is required.

The motion prevailed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

#### **GENERAL FILE**

**LEGISLATIVE BILL 18.** Senator Kolterman renewed his amendment, AM24, found on page 496.

The Kolterman amendment was adopted with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 18A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 19.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 29.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 94.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 62.** Title read. Considered.

Senator Chambers offered the following amendment:

FA27

Page 2, line 1 strike and show as stricken "sections are" and insert "section is"; strike "Sections" and insert "Section"; in line 2 strike and show as stricken "and 79-899".

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Friesen

Voting in the negative, 38:

Albrecht	Craighead	Hilgers	Linehan	Smith
Baker	Crawford	Hilkemann	Lowe	Stinner
Blood	Ebke	Hughes	McDonnell	Walz
Bostelman	Erdman	Kolterman	Morfeld	Watermeier
Brasch	Geist	Krist	Murante	Williams
Brewer	Groene	Kuehn	Quick	Wishart
Briese	Halloran	Larson	Riepe	
Clements	Hansen	Lindstrom	Scheer	

Present and not voting, 9:

Bolz	Harr	McCollister	Schumacher	Wayne
Chambers	Howard	Pansing Brooks	Vargas	

Excused and not voting, 1:

Kolowski

The Chambers amendment lost with 1 aye, 38 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO36

Reconsider the vote taken on FA27.

#### **SENATOR KRIST PRESIDING**

Senator Chambers asked unanimous consent to withdraw his motion, MO36, to reconsider the vote. No objections. So ordered.

Pending.

#### **COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 346.** Placed on General File.

**LEGISLATIVE BILL 355.** Placed on General File with amendment. AM311 is available in the Bill Room.

(Signed) Curt Friesen, Chairperson

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 43.** Introduced by Clements, 2.

WHEREAS, Elmwood-Murdock Public Schools received a rating of "excellent" from the Nebraska Department of Education in the department's most recent assessment of Nebraska schools under the new Accountability for a Quality Education System, Today and Tomorrow (AQuESTT) formula; and

WHEREAS, out of more than 240 school districts from across the state, Elmwood-Murdock was one of only eight districts to receive a rating of excellent, which is the highest possible AQuESTT rating; and

WHEREAS, this rating was based on the performance of both Elmwood-Murdock Elementary School and Elmwood-Murdock Junior-Senior High School; and

WHEREAS, the AQuESTT rating is based on state test scores, graduation rates, student participation rates, and year-to-year improvement and growth. The AQuESTT rating also recognizes schools and districts that support student success through all levels of education; and

WHEREAS, this elite honor is a testament to the dedication, hard work, and skills of the faculty and students of Elmwood-Murdock Public Schools.

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

1. That the Legislature commends the faculty and students of Elmwood-Murdock Public Schools for their commitment to excellence in education.

2. That a copy of this resolution be sent to Elmwood-Murdock Superintendent Dan Novak.

Laid over.

**LEGISLATIVE RESOLUTION 44.** Introduced by Clements, 2.

WHEREAS, Mary DeGraff, a senior at Plattsmouth High School, has achieved national recognition for exemplary volunteer service by receiving a 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, Ms. DeGraff earned this honor by organizing support and raising money to provide Cass County with a pet disaster relief trailer, which will provide a safe place for pets in the event of a tornado, flood, or other natural disaster; 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 Ms. DeGraff 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 Mary DeGraff for receiving a 2017 Prudential Spirit of Community Award.

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

3. That a copy of this resolution be sent to Ms. DeGraff.

Laid over.

**LEGISLATIVE RESOLUTION 45.** Introduced by Krist, 10.

WHEREAS, Ella Alberts, a seventh-grade student at Westside Middle School, has achieved national recognition for exemplary volunteer service by receiving a 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, Ella earned this award by giving generously of her time and energy over the past four years to collect more than \$1,300, along with hundreds of needed supplies, for animal shelters by operating an annual one-day lemonade stand; and

WHEREAS, Ella found other volunteers to assist her and promote support for animal shelters and other charities; 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 Ella 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 Ella Alberts for receiving a 2017 Prudential Spirit of Community Award.
2. That the Legislature recognizes Ella's outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.
3. That a copy of this resolution be sent to Ella Alberts.

Laid over.

**ANNOUNCEMENT(S)**

Senator Riepe announced the Health and Human Services Committee will meet Friday, March 3, 2017, at 1:30 p.m. instead of 5:30 p.m. in Room 1510.

Senator Riepe announced the Health and Human Services Committee will meet Wednesday, March 22, 2017, at 2:00 p.m. instead of 1:30 p.m. in Room 1510.

**ANNOUNCEMENT(S)**

The General Affairs Committee designates LB470 as its priority bill.



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

Senator Krist filed the following amendment to LB11:

AM302

- 1 1. On page 3, strike lines 21 and 22 and insert the following new  
 2 subdivision:  
 3 "(c) An order granting or denying transfer of the case from county  
 4 or district court to juvenile court shall be considered a final order for  
 5 the purposes of appeal. Any party may appeal to the Court of Appeals  
 6 within ten days after an order is entered. Such review shall be advanced  
 7 on the court docket, without an extension of time granted to any party,  
 8 after which the Court of Appeals shall enter an order as quickly as  
 9 possible, affirming, reversing, or modifying the order submitted for  
 10 review. During the pendency of an appeal from an order transferring the  
 11 case to juvenile court, the juvenile court may enter temporary orders in  
 12 the best interests of the juvenile."  
 13 2. On page 6, strike lines 8 and 9 and insert:  
 14 "An order granting or denying transfer of the case from juvenile  
 15 court to county or district court shall be considered a final order for  
 16 the purposes of appeal. Any party may appeal to the Court of Appeals  
 17 within ten days after an order is entered. Such review shall be advanced  
 18 on the court docket, without an extension of time granted to any party,  
 19 after which the Court of Appeals shall enter an order, as quickly as  
 20 possible, affirming, reversing, or modifying the order submitted for  
 21 review."

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

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

Senator Linehan name added to LB88.  
 Senator Hilkemann name added to LB289.  
 Senator Linehan name added to LB342.

**VISITOR(S)**

Visitors to the Chamber were members of Leadership Lincoln County from North Platte; members of the League of Women Voters of Nebraska; and members of Odego Leadership group from Fillmore County.

The Doctor of the Day was Dr. Christi Keim from Lincoln.

**ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Riepe, the Legislature adjourned until 9:00 a.m., Wednesday, February 22, 2017.

Patrick J. O'Donnell  
 Clerk of the Legislature

