

FORTY-SIXTH DAY - MARCH 14, 2017

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION**

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 14, 2017

PRAYER

The prayer was offered by Senator Lindstrom.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Bolz, Groene, Hansen, Kuehn, Larson, Morfeld, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 18. Placed on Final Reading.
LEGISLATIVE BILL 18A. Placed on Final Reading.
LEGISLATIVE BILL 19. Placed on Final Reading.
LEGISLATIVE BILL 29. Placed on Final Reading.
LEGISLATIVE BILL 94. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

MESSAGE(S) FROM THE GOVERNOR

March 13, 2017

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

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Power Review Board:

Michael Metzler, 3862 S. 117 Avenue, Omaha, NE 68130
Greg Moen, 2704 Park Way, Norfolk, NE 68701

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

RESOLUTION(S)

LEGISLATIVE RESOLUTION 65. Introduced by Watermeier, 1.

WHEREAS, the Falls City Sacred Heart High School girls' basketball team are the champions of the 2017 Class D-2 Girls' State Basketball Tournament; and

WHEREAS, the 48-36 victory took place on March 4, 2017, at Pinnacle Bank Arena in Lincoln; and

WHEREAS, Head Coach Luke Santo guided the Falls City Sacred Heart Irish to a remarkable 27-1 season; and

WHEREAS, throughout the season the Irish have demonstrated that hard work, dedication, and discipline produce remarkable results; and

WHEREAS, the Irish are positive role models for young athletes in their community and throughout the region; and

WHEREAS, such a team achievement is made possible not only by the players' performance and coaching guidance, but also through the support of teachers, administrators, parents, and the community.

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

1. That the Legislature congratulates the Falls City Sacred Heart High School girls' basketball team and their coaches on winning the 2017 Class D-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Falls City Sacred Heart Irish girls' basketball team and Coach Luke Santo.

Laid over.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR58 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR58.

GENERAL FILE

LEGISLATIVE BILL 368. Senator Hilkemann renewed his amendment, AM503, found on page 661 and considered on pages 679, 686, and 689.

SENATOR KRIST PRESIDING

SPEAKER SCHEER PRESIDING

Pending.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 268. Placed on General File with amendment. AM618

1 1. On page 19, line 13, after "any" insert "assets, including, but
2 not limited to, any security, bank account, intellectual property right,
3 contractual or lease right.".

4 2. On page 20, line 15, after the period insert "The department's
5 determination on commercial reasonableness may be appealed, and the
6 appeal shall be in accordance with the Administrative Procedure Act.".

7 3. On page 31, strike lines 22 through 25 and insert the following
8 new subdivision:

9 "(g) An action for recovery of the debt created under subsection (1)
10 of this section may be brought by the department against the estate of a
11 recipient of medical assistance as defined in subdivision (4)(b) of this
12 section at any time before five years after the last of the following
13 events:

14 (i) The death of the recipient of medical assistance;

15 (ii) The death of the recipient's spouse, if applicable;

16 (iii) The attainment of the age of twenty-one years by the youngest

17 of the recipient's minor children, if applicable; or
 18 (iv) A determination that any adult child of the recipient is no
 19 longer blind or totally and permanently disabled as defined by the
 20 Supplemental Security Income criteria, if applicable."

(Signed) Laura Ebke, Chairperson

AMENDMENT(S) - Print in Journal

Senator Vargas filed the following amendment to LB163:
 AM269

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

3 Section 1. Section 32-101, Reissue Revised Statutes of Nebraska, is
 4 amended to read:

5 32-101 Sections 32-101 to 32-1551 and section 2 of this act shall be
 6 known and may be cited as the Election Act.

7 Sec. 2. The election commissioner in a county with a population of
 8 more than one hundred thousand inhabitants shall provide additional
 9 office hours during which ballots for early voting may be picked up or
 10 returned pursuant to section 32-941 or registered voters of the county
 11 may vote or pick up or return a ballot for early voting pursuant to
 12 section 32-942. The additional hours shall be provided beginning at least
 13 two weeks prior to the day of the election and shall include at least
 14 four hours on each of the two Saturdays preceding the election and at
 15 least five hours during each week of such two-week period in addition to
 16 normal business hours on business days.

17 Sec. 3. Original section 32-101, Reissue Revised Statutes of
 18 Nebraska, is repealed.

GENERAL FILE

LEGISLATIVE BILL 368. Senator Chambers offered the following
 motion:

MO54

Bracket until March 15, 2017.

Senator Chambers withdrew his motion to bracket.

Pending.

SENATOR HUGHES PRESIDING

RESOLUTION(S)

LEGISLATIVE RESOLUTION 66. Introduced by Scheer, 19.

WHEREAS, the Norfolk High School boys' basketball team won the 2017
 Class A Boys' State Basketball Championship; and

WHEREAS, the Panthers won against the top-ranked Papillion-La Vista Monarchs with a score of 68-49; and

WHEREAS, this is the first Class A championship win for the Norfolk boys' basketball team since 1987 and the first championship win for a Class A team outside of the Omaha and Lincoln metro areas since 2002; and

WHEREAS, Coach Tony Siske guided the team to a record of 23-4 in his first season at Norfolk; 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 Norfolk High School boys' basketball team on winning their first state championship since 1987.

2. That a copy of this resolution be sent to the Panthers and Coach Tony Siske.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Halloran filed the following amendment to LB447:

AM608

1 1. On page 1, strike the enacting clause.

GENERAL FILE

LEGISLATIVE BILL 368. The Hilkemann amendment, AM503, found on page 661 and considered on pages 679, 686, 689, and in this day's Journal, was renewed.

SENATOR KRIST PRESIDING

Senator Lowe offered the following motion:

MO53

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Lowe moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Lowe requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 32:

Albrecht	Craighead	Hilgers	Lowe	Stinner
Blood	Ebke	Hughes	McDonnell	Vargas
Brasch	Erdman	Kolterman	Morfeld	Wayne
Brewer	Friesen	Krist	Murante	Wishart
Briese	Geist	Kuehn	Riepe	
Chambers	Groene	Lindstrom	Scheer	
Clements	Halloran	Linehan	Smith	

Voting in the negative, 12:

Bolz	Hansen	Kolowski	Walz
Bostelman	Harr	McCollister	Watermeier
Crawford	Hilkemann	Pansing Brooks	Williams

Present and not voting, 4:

Baker	Howard	Quick	Schumacher
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Excused and not voting, 1:

Larson

The Lowe motion to invoke cloture failed with 32 ayes, 12 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

VISITOR(S)

Visitors to the Chamber were 10 students and sponsors from a home school group, Omaha; 30 Spirit of Nebraska Council Girl Scout members from across the state; 53 fourth-grade students from Cottonwood Elementary, Omaha; 9 twelfth-grade students and teacher from Arcadia; and 11 twelfth-grade students, teachers, and sponsors from Spalding Academy.

The Doctor of the Day was Dr. Hannah Christiansen from Omaha.

ADJOURNMENT

At 11:51 a.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Wednesday, March 15, 2017.

Patrick J. O'Donnell
Clerk of the Legislature