

**FORTY-EIGHTH DAY - MARCH 16, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****FORTY-EIGHTH DAY**

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

**PRAYER**

The prayer was offered by Senator Crawford.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Krist presiding.

The roll was called and all members were present except Senators Hilkemann, Kuehn, McCollister, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-seventh day was approved.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 509A.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 509, One Hundred Fifth Legislature, First Session, 2017.

**ANNOUNCEMENT**

The Chair announced the birthday of Senator Kolterman.

**SELECT FILE**

**LEGISLATIVE BILL 62.** Senator Chambers renewed his amendment, FA44, found on page 713, to his amendment, AM332.

Senator Chambers withdrew his amendment, FA44.

Senator Chambers withdrew his amendment, AM332, found on page 514 and considered on pages 517, 529, and 713.

Senator Scheer offered the following motion:

MO57

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Chambers requested a record vote on the motion to invoke cloture.

Voting in the affirmative, 38:

Albrecht	Craighead	Hilkemann	McCollister	Smith
Blood	Crawford	Hughes	McDonnell	Stinner
Bolz	Erdman	Kolowski	Morfeld	Vargas
Bostelman	Geist	Kolterman	Murante	Walz
Brasch	Groene	Kuehn	Pansing Brooks	Williams
Brewer	Halloran	Larson	Quick	Wishart
Briese	Hansen	Lindstrom	Riepe	
Clements	Hilgers	Linehan	Scheer	

Voting in the negative, 3:

Chambers	Lowe	Wayne
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Present and not voting, 7:

Baker	Friesen	Howard	Schumacher
Ebke	Harr	Krist	

Excused and not voting, 1:

Watermeier

The Scheer motion to invoke cloture prevailed with 38 ayes, 3 nays, 7 present and not voting, and 1 excused and not voting.

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

Voting in the affirmative, 41:

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

Voting in the negative, 1:

Chambers

Present and not voting, 7:

Friesen	Howard	McCollister	Schumacher
Harr	Kolowski	Morfeld	

Advanced to Enrollment and Review for Engrossment with 41 ayes, 1 nay, and 7 present and not voting.

#### **SENATOR HUGHES PRESIDING**

**LEGISLATIVE BILL 11.** Senator Krist offered his amendment, AM552, found on page 653.

The Krist amendment was adopted with 41 ayes, 0 nays, and 8 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 57.** Senator Morfeld offered his amendment, AM453, found on page 653.

The Morfeld amendment was adopted with 41 ayes, 1 nay, and 7 present and not voting.

Senator Wayne withdrew his motion, MO56, found on page 722, to indefinitely postpone.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 10.** Senator Krist offered his amendment, AM485, found on page 639.

The Krist amendment was adopted with 39 ayes, 1 nay, and 9 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 10A.** Senator Krist offered the following amendment:

AM558

1 1. Strike AM160.

The Krist amendment was adopted with 37 ayes, 0 nays, and 12 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 16.** ER10, found on page 584, was adopted.

Senator Lindstrom offered his amendment, AM448, found on page 611.

The Lindstrom amendment was adopted with 41 ayes, 0 nays, and 8 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 140.** ER14, found on page 592, was adopted.

Senator Williams offered his amendment, AM437, found on page 679.

The Williams amendment was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT(S)**  
Nebraska Retirement Systems

**LEGISLATIVE BILL 31.** Placed on General File.

**LEGISLATIVE BILL 413.** Placed on General File.

**LEGISLATIVE BILL 219.** Placed on General File with amendment. AM497 is available in the Bill Room.

**LEGISLATIVE BILL 278.** Placed on General File with amendment. AM451 is available in the Bill Room.

(Signed) Mark Kolterman, Chairperson

Education

**LEGISLATIVE BILL 595.** Placed on General File with amendment. AM581

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

3 Section 1. Section 79-254, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 79-254 Sections 79-254 to 79-294 and sections 2 and 3 of this act  
6 shall be known and may be cited as the Student Discipline Act.

7 Sec. 2. (1) If a student becomes physically violent toward himself  
8 or herself, a teacher, an administrator, or another student, a teacher or  
9 administrator may use necessary physical force or physical restraint to  
10 subdue such student until such student no longer presents a danger to  
11 himself or herself, the teacher, the administrator, or the other student.

12 (2) If a student exhibits destructive behavior toward school  
13 property, a teacher or administrator may use physical restraint to subdue

14 such student until such student ceases the destructive behavior or the  
15 student is removed from the classroom.  
16 (3) Any action by a teacher or administrator pursuant to subsection  
17 (1) or (2) of this section shall not be considered corporal punishment  
18 pursuant to section 79-295.  
19 (4) Any teacher or administrator defending himself or herself,  
20 another teacher or administrator, or a student pursuant to subsection (1)  
21 of this section, or protecting school property pursuant to subsection (2)  
22 of this section, shall not be subject to legal action or administrative  
23 discipline if such teacher or administrator was acting in a reasonable  
24 manner.  
25 Sec. 3. (1) A teacher may remove a student from a class if the  
26 teacher:  
27 (a) Has documented that such student has repeatedly interfered with  
1 such teacher's ability to communicate effectively with the students in  
2 such class or with the ability of students in such class to learn;  
3 (b) Determines such student's behavior is so unruly, disruptive, or  
4 abusive that it seriously interferes with such teacher's ability to  
5 communicate effectively with the students in the class or with the  
6 ability of the students in the class to learn; or  
7 (c) Determines such student has committed other disruptive acts that  
8 merit discipline under the Student Discipline Act.  
9 (2) If a teacher removes a student from a class pursuant to this  
10 section, the principal of the school may place such student into another  
11 appropriate classroom, into in-school suspension, or suspend the student  
12 pursuant to section 79-265 or 79-267. The principal may not return such  
13 student to a class taught by such teacher without the teacher's consent  
14 unless such return is required pursuant to the Special Education Act or  
15 the federal Individuals with Disabilities Education Act, 20 U.S.C. 1400  
16 et seq. If the teacher does not consent to the student's return to the  
17 teacher's classroom, within two school days following the student's  
18 removal a conference shall be held with the teacher and the parent or  
19 legal guardian of such student in the presence of the principal or the  
20 principal's designee for the purpose of determining the causes of the  
21 problem and developing a plan implementing possible student behavior  
22 improvement mechanisms. Following the conference, the principal may  
23 readmit such student to the teacher's class. A principal or other  
24 administrator shall not coerce a teacher to consent to the return of a  
25 student to a class from which such student was removed pursuant to this  
26 section.  
27 (3) A teacher shall not be subject to legal action or administrative  
28 discipline for removing a student from a class pursuant to subsection (1)  
29 of this section if such teacher was acting in a reasonable manner.  
30 Sec. 4. Original section 79-254, Reissue Revised Statutes of  
31 Nebraska, is repealed.

(Signed) Mike Groene, Chairperson

## Health and Human Services

**LEGISLATIVE BILL 358.** Placed on General File with amendment.  
AM493

- 1 1. On page 4, strike beginning with "to" in line 20 through the last
- 2 "and" in line 22.

(Signed) Merv Riepe, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 46.** ER16, found on page 595, was adopted.

Senator Chambers offered his amendment, FA5, found on page 359.

Senator Chambers moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Chambers      Morfeld

Voting in the negative, 36:

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

Present and not voting, 10:

Bolz	Howard	Krist	Pansing Brooks	Schumacher
Crawford	Kolowski	McCollister	Quick	Vargas

Excused and not voting, 1:

Harr

The Chambers amendment lost with 2 ayes, 36 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered his amendment, FA6, found on page 359.

**SENATOR KRIST PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Baker            Chambers        Hansen            Kolowski

Voting in the negative, 32:

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

Present and not voting, 11:

Bolz	Krist	Quick	Walz
Crawford	McCollister	Schumacher	Wayne
Howard	Pansing Brooks	Vargas	

Excused and not voting, 2:

Harr            Morfeld

The Chambers amendment lost with 4 ayes, 32 nays, 11 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered his amendment, FA7, found on page 359.

Pending.

**COMMITTEE REPORT(S)**

Health and Human Services

**LEGISLATIVE BILL 342.** Placed on General File with amendment.  
AM542

1 1. Strike original sections 1 to 5 and 8 and insert the following  
2 new section:

- 3 Sec. 3. Since an emergency exists, this act takes effect when passed  
4 and approved according to law.  
5 2. Renumber the remaining sections accordingly.

(Signed) Merv Riepe, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services

Room 1510

Thursday, March 23, 2017 1:30 p.m.

Frank R. Turk - Commission for the Deaf and Hard of Hearing

(Signed) Merv Riepe, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 72.** Introduced by Kolterman, 24.

WHEREAS, Braydon Conell, Devin Johansen, Logan Johansen, and Andrew Pavel, members of Troop 180 of Utica, 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, these young men 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, Braydon, Devin, Logan, and Andrew, through their hard work and perseverance, have joined other high achievers who are Eagle Scouts, including 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 Braydon Conell, Devin Johansen, Logan Johansen, and Andrew Pavel on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Braydon Conell, Devin Johansen, Logan Johansen, and Andrew Pavel.

Laid over.



**VISITOR(S)**

Visitors to the Chamber were members of Leadership Nebraska City and Leadership Nemaha County; 6 high school students and teacher from Bergan, Fremont; 56 fourth-grade students from Avery Elementary, Bellevue; members of the Nebraska State Volunteer Firefighters Association and Nebraska Fire Chiefs Association from across the state; Senator Brewer's daughter, 2nd Lt. Kalee Brewer, from Fort Rucker, AL; and Joseph Nash Jr, Jordan Nash, and Marcus Buchanan from North Omaha.

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

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Lowe, the Legislature adjourned until 9:00 a.m., Friday, March 17, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

