

SIXTY-THIRD DAY - APRIL 11, 2017
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 11, 2017

PRAYER

The prayer was offered by Senator Brewer.

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 until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-second day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 137. Placed on Final Reading.
LEGISLATIVE BILL 180. Placed on Final Reading.
LEGISLATIVE BILL 180A. Placed on Final Reading.
LEGISLATIVE BILL 267. Placed on Final Reading.
LEGISLATIVE BILL 317. Placed on Final Reading.
LEGISLATIVE BILL 641A. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 86, 87, 88, 89, and 90 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 86, 87, 88, 89, and 90.

GENERAL FILE

LEGISLATIVE BILL 44. Title read. Considered.

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

Advanced to Enrollment and Review Initial with 28 ayes, 13 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING(S)

Business and Labor

Room 2102

Tuesday, April 18, 2017 1:00 p.m.

Aaron Jazyuka - Boiler Safety Code Advisory Board

Martin Kasl - Boiler Safety Code Advisory Board

(Signed) Joni Albrecht, Chairperson

REFERENCE COMMITTEE REPORT(S)

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR95	Government, Military and Veterans Affairs
LR98	Education

Brightman, Brian - State Board of Health - Health and Human Services

The Legislative Council Executive Board referred the request to approve a gift of two memorials including materials and labor of \$300,000 from the Norfolk Veterans Home Heroes Park Foundation Inc., for the addition of a World War II and Korean War Memorial to the Flag Plaza located in front of the Norfolk Veterans Home to the Government, Military and Veterans Affairs Committee for further consideration.

(Signed) Dan Watermeier, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 44A. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 9 nays, 11 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 225A. Title read. Considered.

Senator Crawford offered the following amendment:
AM990

1 1. On page 2, strike lines 7 through 9.

The Crawford amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 263. Senator Bolz offered her amendment, AM670, found on page 871.

The Bolz amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Wayne asked unanimous consent to withdraw his amendment, AM909, found on page 919, and replace it with his substitute amendment, AM967, found on page 997. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

Senator Wayne requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 16:

Blood	Howard	Morfeld	Vargas
Chambers	Kolowski	Pansing Brooks	Walz
Hansen	Krist	Quick	Wayne
Harr	McDonnell	Schumacher	Wishart

Voting in the negative, 26:

Albrecht	Craighead	Halloran	Larson	Scheer
Bostelman	Crawford	Hilgers	Lindstrom	Smith
Brasch	Erdman	Hilkemann	Linehan	
Brewer	Friesen	Hughes	Lowe	
Briese	Geist	Kolterman	Murante	
Clements	Groene	Kuehn	Riepe	

Present and not voting, 6:

Baker	McCollister	Watermeier
Bolz	Stinner	Williams

Excused and not voting, 1:

Ebke

The Wayne amendment lost with 16 ayes, 26 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Friesen offered his amendment, AM867, found on page 925.

The Friesen amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion:

MO75

Indefinitely postpone.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 91A. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 91, One Hundred Fifth Legislature, First Session, 2017.

AMENDMENT(S) - Print in Journal

Senator Scheer filed the following amendment to LB427:
AM987

(Amendments to AM739)

1 1. On page 1, line 23, strike the last "the" and insert "any"; and
2 in line 25 after "act" insert "or shall meet the minimum standards set

3 forth in such section".

4 2. On page 2, lines 1 and 23, strike "shall" and insert "may".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Williams name added to LB578.

VISITOR(S)

Visitors to the Chamber were Allen Kaeman from Bayard; 40 fourth-grade students and teachers from Seymour Elementary, Ralston; and 40 fourth-grade students from Mary Our Queen, Omaha.

RECESS

At 11:51 a.m., on a motion by Senator Kolterman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Bolz, Clements, Groene, Hilgers, Hilkemann, Kuehn, McDonnell, Murante, Stinner, Vargas, Watermeier, and Wishart who were excused until they arrive.

MESSAGE(S) FROM THE GOVERNOR

April 11, 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:

Please withdraw the following individuals from consideration for confirmation of appointment to the Boiler Safety Code Advisory Board:

William Hetzler, 7005 S. 74 Street, Unit 303, La Vista, NE 68128
Kurt Eberspacher, 4332 W. McKelvie Road, Lincoln, NE 68524

Sincerely,
(Signed) Pete Ricketts
Governor

SELECT FILE

LEGISLATIVE BILL 263. Senator Chambers renewed his motion, MO75, found in this day's Journal, to indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 276. ER44, found on page 934, was adopted.

Senator Brasch offered her amendment, AM952, found on page 953.

The Brasch amendment was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 217. ER48, found on page 934, was adopted.

Senator Harr offered the following amendment:
AM993

(Amendments to E and R amendments, ER48)

1 1. Insert the following new section:

2 Sec. 6. Section 77-1359, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 77-1359 The Legislature finds and declares that agricultural land
5 and horticultural land shall be a separate and distinct class of real
6 property for purposes of assessment. The assessed value of agricultural
7 land and horticultural land shall not be uniform and proportionate with
8 all other real property, but the assessed value shall be uniform and
9 proportionate within the class of agricultural land and horticultural
10 land.

11 For purposes of this section and section 77-1363:

12 (1) Agricultural land and horticultural land means a parcel of land,
13 excluding land associated with a building or enclosed structure located
14 on the parcel, which is primarily used for agricultural or horticultural
15 purposes, including wasteland lying in or adjacent to and in common
16 ownership or management with other agricultural land and horticultural
17 land;

18 (2)(a) ~~(2)~~ Agricultural or horticultural purposes means used for the
19 commercial production of any plant or animal product in a raw or
20 unprocessed state that is derived from the science and art of
21 agriculture, aquaculture, or horticulture; -

22 (b) Agricultural or horticultural purposes includes the following

23 uses of land:

24 (i) (a) Land retained or protected for future agricultural or
 25 horticultural purposes under a conservation easement as provided in the
 26 Conservation and Preservation Easements Act except when the parcel or a
 1 portion thereof is being used for purposes other than agricultural or
 2 horticultural purposes; and
 3 (ii) (b) Land enrolled in a federal or state program in which
 4 payments are received for removing such land from agricultural or
 5 horticultural production; and
 6 (c) Whether a parcel of land is primarily used for agricultural or
 7 horticultural purposes shall be determined without regard to whether some
 8 or all of the parcel is platted and subdivided into separate lots or
 9 developed with improvements consisting of streets, sidewalks, curbs,
 10 gutters, sewer lines, water lines, or utility lines;
 11 (3) Farm home site means land contiguous to a farm site which
 12 includes an inhabitable residence and improvements used for residential
 13 purposes and which is located outside of urban areas or outside a platted
 14 and zoned subdivision; and
 15 (4) Farm site means the portion of land contiguous to land actively
 16 devoted to agriculture which includes improvements that are agricultural
 17 or horticultural in nature, including any uninhabitable or unimproved
 18 farm home site.
 19 2. Renumber the remaining sections and correct internal references
 20 accordingly.
 21 3. Correct the operative date and repealer sections so that the
 22 section added by this amendment becomes operative three calendar months
 23 after the adjournment of this legislative session.

The Harr amendment was adopted with 39 ayes, 0 nays, 1 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 487. ER47, found on page 934, was adopted.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 605. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 481. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 358. Title read. Considered.

Committee AM493, found on page 730, was offered.

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

Senator Riepe requested a roll call vote on the committee amendment.

Voting in the affirmative, 25:

Baker	Hansen	Krist	Pansing Brooks	Vargas
Blood	Harr	Linehan	Quick	Walz
Briese	Hilkemann	McCollister	Scheer	Wayne
Chambers	Howard	McDonnell	Schumacher	Williams
Crawford	Kolowski	Morfeld	Smith	Wishart

Voting in the negative, 12:

Albrecht	Brewer	Geist	Kuehn
Bostelman	Craighead	Groene	Lowe
Brasch	Erdman	Halloran	Riepe

Present and not voting, 8:

Clements	Friesen	Kolterman	Lindstrom
Ebke	Hughes	Larson	Stinner

Excused and not voting, 4:

Bolz	Hilgers	Murante	Watermeier
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The committee amendment was adopted with 25 ayes, 12 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Harr moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 7 nays, and 15 not voting.

Senator McCollister moved for a call of the house. The motion prevailed with 28 ayes, 5 nays, and 16 not voting.

Senator McCollister requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 24:

Baker	Crawford	Kolowski	Morfeld	Walz
Blood	Hansen	Krist	Pansing Brooks	Wayne
Bolz	Harr	Linehan	Quick	Williams
Briese	Hilkemann	McCollister	Schumacher	Wishart
Chambers	Howard	McDonnell	Vargas	

Voting in the negative, 19:

Albrecht	Clements	Friesen	Hughes	Riepe
Bostelman	Craighead	Geist	Kuehn	Smith
Brasch	Ebke	Groene	Lindstrom	Watermeier
Brewer	Erdman	Halloran	Low	

Present and not voting, 2:

Kolterman Larson

Excused and not voting, 4:

Hilgers Murante Scheer Stinner

Failed to advance to Enrollment and Review Initial with 24 ayes, 19 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 628. Title read. Considered.

Committee AM405, found on page 710, was offered.

Senator Chambers requested a ruling of the Chair on whether the committee amendment is germane to the bill.

The Chair ruled, pursuant to Rule 3, Sec. 13, committee amendments are germane to the bill.

Senator Chambers offered the following motion:

MO77

Recommit to the Government, Military and Veterans Affairs Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to recommit to committee.

Voting in the affirmative, 2:

Blood Crawford

Voting in the negative, 36:

Albrecht	Craighead	Hughes	McCollister	Walz
Baker	Ebke	Kolowski	McDonnell	Wayne
Bolz	Erdman	Kolterman	Morfeld	Williams
Bostelman	Friesen	Kuehn	Pansing Brooks	Wishart
Brasch	Groene	Larson	Riepe	
Brewer	Halloran	Lindstrom	Scheer	
Briese	Hilkemann	Linehan	Schumacher	
Clements	Howard	Low	Vargas	

Present and not voting, 4:

Chambers Hansen Harr Quick

Excused and not voting, 7:

Geist	Krist	Smith	Watermeier
Hilgers	Murante	Stinner	

The Chambers motion to recommit to committee failed with 2 ayes, 36 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 91. Placed on Final Reading.

ST12

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "71-522," has been inserted after the second comma; in line 3, "to define a term;" has been inserted after the semicolon; and in line 4 "to provide an operative date;" has been inserted after the second semicolon.

2. On page 7, line 6, "71-522," has been inserted after the second comma.

LEGISLATIVE BILL 444. Placed on Final Reading.

ST14

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "political" in line 1 through line 3 and all amendments thereto has been struck and "workplace injury; to amend section 48-101.01, Revised Statutes Cumulative Supplement, 2016; to prohibit cities and counties from canceling health insurance coverage for injured first responders as prescribed; to change provisions relating to personal injuries to include frontline state employees under the Nebraska Workers' Compensation Act; to define terms; and to repeal the original section." inserted.

LEGISLATIVE BILL 535. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 263A. Introduced by Friesen, 34; Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 263, One Hundred Fifth Legislature, First Session, 2017; and to declare an emergency.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 99. Introduced by Pansing Brooks, 28.

WHEREAS, Ken and Ryly Jane Hambleton retired from full-time sports writing at the Lincoln Journal Star in March of 2017; and

WHEREAS, Ken started at the paper in 1972 and was one of the first sports writers in the country to rank high school volleyball; and

WHEREAS, Ken has covered nearly every girls' state basketball tournament ever held in the State of Nebraska; and

WHEREAS, writing about Husker football and basketball has taken Ken to Japan, Hawaii, and all across the country; and

WHEREAS, Ryly Jane has been at the Journal Star for more than 40 years and has ranked the state's football and boys' basketball teams for the last 31 years; and

WHEREAS, Ryly Jane has covered games all across the State of Nebraska; and

WHEREAS, they met at the Journal Star in the early 1970s and have been married for 41 years.

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

1. That the Legislature congratulates Ken and Ryly Jane Hambleton on their illustrious sports-writing careers and their recent retirements, and thanks them for their many contributions to our state.
2. That a copy of this resolution be sent to Ken and Ryly Jane Hambleton.

Laid over.

LEGISLATIVE RESOLUTION 100. Introduced by Linchan, 39; Larson, 40; Scheer, 19.

WHEREAS, Norman Hale was a dedicated school teacher and administrator, known for positive solutions and new ideas when working with students, teachers, and his community; and

WHEREAS, Norman Hale devoted his life to giving students a chance to succeed; and

WHEREAS, Norman Hale had a distinguished career in education at Pueblo and Colorado Springs, Colorado, and in Nebraska at St. Mary's in O'Neill, at Norfolk Catholic in Norfolk, and most recently at St. Patrick's in Elkhorn; and

WHEREAS, Norman Hale was scheduled to return to Norfolk in July to serve as principal of Norfolk Catholic School and to the Norfolk community, which he considered his home; and

WHEREAS, Norman Hale is survived by his wife, Carolyn; sons, Ethan and Logan; granddaughter, Vienna; mother, Carol; brothers, Eddie, Ron, and Phil; sisters, Carla and Kim; and foster parents Charles and Suzie McClure; and

WHEREAS, Norman Hale's life tragically ended in a car accident on April 5, 2017; and

WHEREAS, Norman Hale leaves behind a grieving family and numerous friends and colleagues, all mourning the loss of this talented and caring man.

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

1. That the Legislature extends its sympathy to Norman Hale's family and friends.
2. That a copy of this resolution be sent to the family of Norman Hale, to St. Patrick's Catholic School in Elkhorn, and to Norfolk Catholic School in Norfolk.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 628. Senator Chambers offered the following motion:

MO78

Reconsider the vote taken to recommit to committee.

SPEAKER SCHEER PRESIDING

Pending.

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB628:
AM948

1 1. On page 2, strike beginning with "Except" in line 7 through line
2 11.

MOTION(S) - Print in Journal

Senator Chambers filed the following motion to LB628:
MO76
Indefinitely postpone.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 101. Introduced by Kolterman, 24;
Bolz, 29; Groene, 42; Kolowski, 31; Lindstrom, 18; Stinner, 48.

WHEREAS, Phyllis Chambers was selected by Nebraska Public Employees Retirement Board to serve as the Director of the Nebraska Public Employees Retirement Systems (NPERS) and was confirmed by the Legislature in February 2007; and

WHEREAS, under the leadership of Ms. Chambers, NPERS was awarded the Public Pension Standards Award for Funding and Administration in 2012, 2013, 2014, and 2015 by the Public Pension Coordinating Council; and

WHEREAS, other accomplishments of Ms. Chambers include:

(1) Completing a CEM Benchmarking study comparing NPERS services with other public retirement systems in a similar peer group. Total pension administrative costs for NPERS averaged \$68 per active annuitant, which was \$53 below the peer average of \$121 per annuitant;

(2) Cooperating and working with the Internal Revenue Service to receive favorable determination letters for the School, Judges, State Patrol, State, and County retirement plans;

(3) Resolving prior audit points identified by the Auditor of Public Accounts with regard to the five retirement plans, and reducing the number of audit points in all five plans;

(4) Contracting with the Groom Law Group and The Segal Group to conduct a compliance audit of all five retirement plans and working with the Legislature to draft and implement necessary statutory changes to ensure that the plans remain in compliance with Internal Revenue Code requirements;

(5) Working with the actuary and Nebraska Retirement Systems Committee to create 30-year projection modeling software to study the long-term funding of the defined benefit plans and to develop and present the annual valuation reports on all the plans;

(6) Working with the actuary to implement the financial reporting changes in Government Accounting Standards Board (GASB) Rule 67 for the State

and County plans, and the implementation of GASB Rule 68 allocating the proportionate unfunded liability to employers in the School plan;

(7) Working with the actuary in 2012 and 2016 on the actuarial experience analysis of economic and demographic assumptions for the plans and coordinating with the Nebraska Retirement Systems Committee to draft necessary legislative changes to incorporate the new actuarial assumptions;

(8) Meeting and working with the Nebraska Retirement Systems Committee, member group representatives, and members to identify necessary changes in the plans to maintain the long-term solvency of the plans;

(9) Relocating backup servers to an alternative site for purposes of disaster recovery and continuous operations, establishing a secondary offsite storage procedure and location for backup tapes, and completing the disaster recovery manual;

(10) Presiding over the Legacy Media Scanning Project, which includes scanning old member and employer records on ledgers, microfilm, and microfiche into the technology system which, when completed, will include over 15 million documents that have been prepared, scanned, indexed, and audited for quality control; and

(11) Planning and coordinating with the Department of Administrative Services to relocate the NPERs offices in 2014; and

WHEREAS, prior to her appointment as Director of the Nebraska Retirement Systems, Ms. Chambers worked in various executive positions, including as CEO of the Cornhusker Better Business Bureau and state coordinator for Hartford Life Insurance Company; and

WHEREAS, Ms. Chambers is a licensed pilot and served as an elected official on the Lincoln Airport Authority for over ten years; and

WHEREAS, Ms. Chambers is retiring from her position as Director of the Public Employees Retirement Systems in August 2017.

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

1. That the Legislature thanks Phyllis Chambers for her dedication, service, and commitment to serving the members of the state-administered retirement plans, the Public Employees Retirement Board, and the members of the Nebraska Retirement Systems Committee, and wishes her good health and a long and fulfilling retirement.

2. That a copy of this resolution be sent to Phyllis Chambers.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Brewer name added to LB578.

Senator Kolowski name added to LR95.

VISITOR(S)

Visitors to the Chamber were Steve Farner from Omaha; and 70 fourth-grade students, teachers, and sponsors from West Dodge Station Elementary, Elkhorn.

The Doctor of the Day was Dr. Danielle Thies from Rushville.

ADJOURNMENT

At 5:01 p.m., on a motion by Senator Wishart, the Legislature adjourned until 9:00 a.m., Wednesday, April 12, 2017.

Patrick J. O'Donnell
Clerk of the Legislature

