

EIGHTY-FOURTH DAY - MAY 17, 2017

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION**

EIGHTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 17, 2017

PRAYER

The prayer was offered by Pastor Steve Davenport, Calvary Community 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 Craighead, Groene, Larson, McCollister, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-third day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 16, 2017, at 4:17 p.m. were the following: LBs 10e, 10Ae, 268, 268Ae, 289, 289A, 512e, 512Ae, 519, 578, 578A, 647e, and 647Ae.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 152, 165, 244, and 246 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 152, 165, 244, and 246.

GENERAL FILE

LEGISLATIVE BILL 632A. Title read. Considered.

Senator Wayne offered the Larson amendment, AM1407, found on page 1571.

The Larson amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

MOTION(S) - Override Line-Item Veto on LB327

Senator Stinner offered the Appropriations Committee motion, MO141, found on page 1567, to override the Governor's line-item veto of LB327, Section 19, Agency 05, the Supreme Court, Program 067, Probation Services.

Senator Stinner moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Stinner requested a roll call vote on the motion to override the Governor's line-item veto.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 23:

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

Voting in the negative, 25:

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

Present and not voting, 1:

Kolterman

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION(S) - Override Line-Item Veto on LB327

Senator Stinner offered the Appropriations Committee motion, MO143, found on page 1568, to override the Governor's line-item veto of LB327, Section 97, Agency 25, Department of Health and Human Services, Program 038, Behavioral Health Aid.

Section 104, Agency 25, Department of Health and Human Services, Program 348, Medical Assistance.

Section 110, Agency 25, Department of Health and Human Services, Program 424, Developmental Disability Aid.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Bolz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Senator Stinner moved for a call of the house. The motion prevailed with 41 ayes, 5 nays, and 3 not voting.

Senator Bolz requested a roll call vote, in reverse order, on the motion to override the Governor's line-item veto.

Whereupon the President stated: "The question shall be, 'Shall those portions of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 27:

Baker	Hansen	Krist	Riepe	Wayne
Blood	Harr	McCollister	Scheer	Williams
Bolz	Hilkemann	McDonnell	Schumacher	Wishart
Chambers	Howard	Morfeld	Stinner	
Crawford	Kolowski	Pansing Brooks	Vargas	
Ebke	Kolterman	Quick	Walz	

Voting in the negative, 21:

Albrecht	Clements	Halloran	Lindstrom	Watermeier
Bostelman	Erdman	Hilgers	Linehan	
Brasch	Friesen	Hughes	Lowe	
Brewer	Geist	Kuehn	Murante	
Briese	Groene	Larson	Smith	

Excused and not voting, 1:

Craighead

Having failed to receive a constitutional three-fifths majority voting in the affirmative, those portions of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION(S) - Override Line-Item Veto on LB327

Senator McCollister offered his motion, MO144, found on page 1568, to override the Governor's line-item veto of LB327, Section 21, Agency 05, the Supreme Court, Program 420, State Specialized Court Operations.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR257	Government, Military and Veterans Affairs

(Signed) Dan Watermeier, Chairperson
Executive Board

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 632A. Placed on Select File.

(Signed) Anna Wishart, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 258. Introduced by Riepe, 12.

WHEREAS, Dee Huff, following a six-year battle with cancer, passed away on May 16, 2017; and

WHEREAS, Dee served as a children's librarian at Ralston's Baright Public Library for 15 years; and

WHEREAS, Dee served for six years on the Ralston Public Schools' Board of Education; and

WHEREAS, Dee was an active volunteer for the Ralston Schools Foundation; and

WHEREAS, Dee dedicated her life to encouraging children to find their love of reading; and

WHEREAS, Dee volunteered for Project Pink'd, an organization dedicated to helping breast cancer survivors in Nebraska and Western Iowa; and

WHEREAS, Dee is survived by her husband Bill and three children, all of whom are graduates of Ralston Public Schools.

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 the family of Dee Huff and expresses its gratitude for her service to the community of Ralston and for her dedication to promoting youth reading.

2. That a copy of this resolution be sent to the family of Dee Huff.

Laid over.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE RESOLUTION 151. Reported to the Legislature for further consideration.

(Signed) Laura Ebke, Chairperson

Executive Board

LEGISLATIVE RESOLUTION 127. Reported to the Legislature for further consideration with the following amendment:

AM1417

1. Strike the RESOLVED clauses and insert the following new RESOLVED clauses:

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Nebraska Justice System Special Oversight Committee of the Legislature. The committee shall consist of the chairperson of the Judiciary Committee of the Legislature who shall serve as the chairperson of the Nebraska Justice System Special Oversight Committee and six members of the Legislature appointed by the Executive Board. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff, including the office of Public Counsel and the office of Inspector General of the Nebraska Correctional System. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee.

2. That the Nebraska Justice System Special Oversight Committee of

17 the Legislature is hereby authorized to study programs and policies
18 relating to the adult justice system implemented and followed by the
19 Department of Correctional Services, Office of Parole Administration,
20 Board of Parole, Nebraska Commission on Law Enforcement and Criminal
21 Justice, and Office of Probation Administration.
22 3. That the Nebraska Justice System Special Oversight Committee of
23 the Legislature shall brief the Judiciary and Appropriations Committees
24 of the Legislature by December 15, 2017, and December 15, 2018, and issue
25 a report with its findings and recommendations to the Legislature as
26 circumstances warrant.
27 4. That the Nebraska Justice System Special Oversight Committee of
1 the Legislature is hereby authorized to continue its work until the
2 beginning of the One Hundred Sixth Legislature, First Session.

(Signed) Dan Watermeier, Chairperson

MOTION(S) - Print in Journal

Senator Scheer filed the following motion:

Suspend the rules, Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 6, 31, 32, 38, 61, 89, 110, 145, 164, 167, 178, 187, 188, 191, 196, 219, 230, 244, 273, 278, 282, 283, 287, 293, 296, 297, 298, 301, 336, 341, 342, 395, 413, 418, 425, 454, 483, 526, and 549.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hansen name added to LR151.

VISITORS

Visitors to the Chamber were 80 fourth-grade students from Manchester Elementary, Omaha; and Tim Stilmock and Hannah Esch from Syracuse.

RECESS

At 11:50 a.m., on a motion by Senator Hansen, 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 Linehan and Wayne who were excused until they arrive.

COMMITTEE REPORT(S)

General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Cameron Arch - Nebraska Commission on Problem Gambling
Matthew Monheiser - Nebraska Commission on Problem Gambling
Robert L. Muelleman - Nebraska Commission on Problem Gambling

Aye: 8 Blood, Brasch, Harr, Krist, Larson, Quick, Riepe, Wayne. Nay: 0.
Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Bruce D. Bailey - Nebraska Liquor Control Commission

Aye: 7 Blood, Brasch, Krist, Larson, Quick, Riepe, Wayne. Nay: 0. Absent: 0. Present and not voting: 1 Harr.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Thomas Patterson - State Racing Commission

Aye: 8 Blood, Brasch, Harr, Krist, Larson, Quick, Riepe, Wayne. Nay: 0.
Absent: 0. Present and not voting: 0.

(Signed) Tyson Larson, Chairperson

MOTION(S) - Override Line-Item Veto on LB327

Senator McCollister renewed his motion, MO144, found on page 1568 and considered in this day's Journal, to override the Governor's line-item veto of LB327, Section 21, Agency 05, the Supreme Court, Program 420, State Specialized Court Operations.

Senator McCollister withdrew his motion to override the Governor's line-item veto.

MOTION(S) - Override Line-Item Veto on LB327

Senator Crawford offered her motion, MO145, found on page 1568, to override the Governor's line-item veto of LB327, Section 106, Agency 25, Department of Health and Human Services, Program 354, Child Welfare.

Senator Crawford withdrew her motion to override the Governor's line-item veto.

MOTION(S) - Override Line-Item Veto on LB327

Senator Krist offered his motion, MO146, found on page 1568, to override the Governor's line-item veto of LB327, Section 23, Agency 05, the Supreme Court, Program 437, Juvenile Justice.

Senator Krist withdrew his motion to override the Governor's line-item veto.

MOTION(S) - Override Line-Item Veto on LB327

Senator Morfeld offered his motion, MO147, found on page 1568, to override the Governor's line-item veto of LB327, Section 173, Agency 51, University of Nebraska, Program 781, University Administration.

Senator Morfeld withdrew his motion to override the Governor's line-item veto.

MOTION(S) - Override Line-Item Veto on LB327

Senator Bolz offered the following motion to LB327:

MO149

Override the Governor's line-item veto in Section 104, Agency 25, Department of Health and Human Services, Program 348, Medical Assistance.

Senator Bolz withdrew her motion to override the Governor's line-item veto.

MOTION(S) - Override Line-Item Veto on LB327

Senator Bolz offered the following motion to LB327:

MO150

Override the Governor's line-item veto in Section 97, Agency 25, Department of Health and Human Services, Program 038, Behavioral Health Aid.

Senator Bolz withdrew her motion to override the Governor's line-item veto.

MOTION(S) - Override Line-Item Veto on LB327

Senator Krist offered the following motion to LB327:

MO151

Override the Governor's line-item veto in Section 110, Agency 25, Department of Health and Human Services, Program 424, Developmental Disability Aid.

Senator Krist moved for a call of the house. The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Senator Krist requested a roll call vote on the motion to override the Governor's line-item veto.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 27:

Baker	Ebke	Kolterman	Quick	Wayne
Blood	Hansen	Krist	Scheer	Williams
Bolz	Harr	McCollister	Schumacher	Wishart
Chambers	Hilkemann	McDonnell	Stinner	
Craighead	Howard	Morfeld	Vargas	
Crawford	Kolowski	Pansing Brooks	Walz	

Voting in the negative, 21:

Albrecht	Clements	Halloran	Lindstrom	Watermeier
Bostelman	Erdman	Hilgers	Linehan	
Brasch	Friesen	Hughes	Lowe	
Brewer	Geist	Kuehn	Murante	
Briese	Groene	Larson	Smith	

Excused and not voting, 1:

Riepe

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

COMMITTEE REPORT(S)
Education

LEGISLATIVE RESOLUTION 98. Reported to the Legislature for further consideration.

(Signed) Mike Groene, Chairperson

Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Thomas Dinsdale - Motor Vehicle Industry Licensing Board
Steven Hinchcliff - Motor Vehicle Industry Licensing Board

Aye: 6 Briese, Friesen, Geist, Hilgers, Hughes, Smith. Nay: 0. Absent: 1 Murante. Present and not voting: 1 Bostelman.

(Signed) Curt Friesen, Chairperson

Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Kyle Klammer - Nebraska Rural Health Advisory Commission

Aye: 7 Crawford, Erdman, Howard, Kolterman, Linehan, Riepe, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Joel Bessmer - State Board of Health

Aye: 7 Crawford, Erdman, Howard, Kolterman, Linehan, Riepe, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Merv Riepe, Chairperson

Business and Labor

The Business and Labor Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Gerald Whitlock - Boiler Safety Code Advisory Board

Aye: 7 Albrecht, Chambers, Crawford, Halloran, Hansen, Howard, Lowe. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Joni Albrecht, Chairperson

Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Stan Carpenter - Nebraska Educational Telecommunications Commission
Marilyn Hadley - Nebraska Educational Telecommunications Commission
Clay Smith - Nebraska Educational Telecommunications Commission

Aye: 7 Ebke, Erdman, Groene, Kolowski, Linehan, Pansing Brooks, Walz.
Nay: 0. Absent: 1 Morfeld. Present and not voting: 0.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Cindy Gray - Technical Advisory Committee for Statewide Assessment

Aye: 7 Ebke, Erdman, Groene, Kolowski, Linehan, Pansing Brooks, Walz.
Nay: 0. Absent: 1 Morfeld. Present and not voting: 0.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Jerald Meyer - Board of Educational Lands and Funds

Aye: 7 Ebke, Erdman, Groene, Kolowski, Linehan, Pansing Brooks, Walz.
Nay: 0. Absent: 1 Morfeld. Present and not voting: 0.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Gary Bieganski - Board of Trustees of the Nebraska State Colleges
Carter Peterson - Board of Trustees of the Nebraska State Colleges

Aye: 7 Ebke, Erdman, Groene, Kolowski, Linehan, Pansing Brooks, Walz.
Nay: 0. Absent: 1 Morfeld. Present and not voting: 0.

(Signed) Mike Groene, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 259. Introduced by Brewer, 43.

WHEREAS, Chadron Public Schools has many accomplishments to celebrate as the school year comes to a close; and

WHEREAS, Dr. Caroline Winchester was named the Nebraska Rural Community Schools Association Superintendent of the Year; and

WHEREAS, Chadron High School teacher Willie Uhing was named the 2017 recipient of the Freda Battey Distinguished Educator Award for Excellence in Teaching; and

WHEREAS, under the leadership of principal Jerry Mack, Chadron High School achieved the highest state test scores in the school's history, including the 3rd highest reading scores and the 5th highest writing scores among all Nebraska high schools; and

WHEREAS, the school's ACT scores were the highest in four years; and

WHEREAS, senior Walt Mays scored a perfect 36 on the ACT and was named a National Merit Scholarship Finalist; and

WHEREAS, Brenna Hawthorne won the Nebraska Association of Resources Districts art poster contest; and

WHEREAS, 26 students qualified for the State FFA Convention, one team was a national qualifier, and multiple students finished with high rankings; and

WHEREAS, at the Chadron State College Scholastic Day contest, five students won first places, multiple students finished in the top ten, and the team ranked second overall; and

WHEREAS, nine students were Future Business Leaders of America national qualifiers and other students finished the state competition with high rankings; and

WHEREAS, four students qualified for the National History Day contest; and

WHEREAS, 33 of 58 seniors were awarded a Presidential Award of Educational Excellence, the most ever for Chadron High School; and

WHEREAS, the senior class received over \$100,000 in scholarships, more than any previous class; and

WHEREAS, US News & World Report ranked Chadron High School as the fifth-best high school in Nebraska and awarded Chadron High School two silver and one bronze rankings in the last four years; and

WHEREAS, Chadron High School was ranked as one of the Best High Schools in Nebraska by k12.niche.com.

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

1. That the Legislature congratulates Chadron Public Schools for these accomplishments.

2. That copies of this resolution be sent to Dr. Caroline Winchester, Jerry Mack, Willie Uhing, Walt Mays, and Brenna Hawthorne.

Laid over.

MOTION(S) - Override Line-Item Veto on LB327

Senator Krist offered the following motion to LB327:

MO152

Override the Governor's line-item veto in Section 106, Agency 25, Department of Health and Human Services, Program 354, Child Welfare and Section 110, Agency 25, Department of Health and Human Services, Program 424, Developmental Disability Aid.

Senator Krist withdrew his motion to override the Governor's line-item veto.

MOTION(S) - Override Line-Item Veto on LB327

Senator Chambers offered the following motion to LB327:

MO153

Override the Governor's line-item veto in Section 106, Agency 25, Department of Health and Human Services, Program 354, Child Welfare.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Chambers requested a roll call vote on the motion to override the Governor's line-item veto.

SPEAKER SCHEER PRESIDING

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 19:

Baker	Hansen	McCollister	Quick	Walz
Bolz	Harr	McDonnell	Scheer	Wayne
Crawford	Howard	Morfeld	Schumacher	Wishart
Ebke	Kolowski	Pansing Brooks	Vargas	

Voting in the negative, 23:

Albrecht	Clements	Groene	Kuehn	Smith
Bostelman	Craighead	Halloran	Lindstrom	Watermeier
Brasch	Erdman	Hilgers	Linehan	Williams
Brewer	Friesen	Hughes	Lowe	
Briese	Geist	Kolterman	Murante	

Present and not voting, 4:

Chambers	Hilkemann	Riepe	Stinner
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Excused and not voting, 3:

Blood Krist Larson

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION(S) - Reconsider Action on LB327

Senator Chambers offered the following motion to LB327:

MO154

Reconsider the vote on the motion, MO153, to override the Governor's line-item veto.

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 16:

Baker	Hansen	Morfeld	Vargas
Bolz	Howard	Pansing Brooks	Walz
Chambers	Kolowski	Quick	Wayne
Crawford	McDonnell	Schumacher	Wishart

Voting in the negative, 26:

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

Present and not voting, 2:

Ebke Harr

Excused and not voting, 5:

Blood Krist Larson McCollister Stinner

The Chambers motion to reconsider failed with 16 ayes, 26 nays, 2 present and not voting, and 5 excused and not voting.

VISITORS

Visitors to the Chamber were Willie Hamilton from North Omaha; 35 third and fourth-grade students from Palmer Public; and Cathy Harden from North Platte.

The Doctor of the Day was Dr. Carol Lacroix from Omaha.

ADJOURNMENT

At 5:21 p.m., on a motion by Senator Walz, the Legislature adjourned until 9:00 a.m., Thursday, May 18, 2017.

Patrick J. O'Donnell
Clerk of the Legislature

