

EIGHTY-SIXTH DAY - MAY 23, 2017
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 23, 2017

PRAYER

The prayer was offered by Pastor Tom Starkjohn, Louisville Evangelical Free Church, Plattsmouth.

ROLL CALL

Pursuant to adjournment, the Legislature met at 1:00 p.m., President Foley presiding.

The roll was called and all members were present except Senators Quick and Walz who were excused; and Senator Murante who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 1531, line 2, strike "roll call" and insert "record".
The Journal for the eighty-second day was approved as corrected.

The Journal for the eighty-fifth day was approved.

MESSAGE(S) FROM THE GOVERNOR

May 22, 2017

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 10e, 10Ae, 268, 268Ae, 289, 289A, 512e, 512Ae, 519, 578, 578A, 647e, and 647Ae were received in my office on May 16, 2017.

These bills were signed and delivered to the Secretary of State on May 22, 2017.

Sincerely,

(Signed) Pete Ricketts
Governor

May 23, 2017

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 72, 333e, 415e, 415Ae, and 644 were received in my office on May 18, 2017.

These bills were signed and delivered to the Secretary of State on May 23, 2017.

Sincerely,
(Signed) Pete Ricketts
Governor

COMMITTEE REPORT(S)
Natural Resources

The Natural Resources 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.

Chuck Hutchison - Nebraska Power Review Board

Aye: 8 Albrecht, Bostelman, Geist, Hughes, Kolowski, McCollister, Quick, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources 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.

James A. Shields - Nebraska Natural Resources Commission

Aye: 8 Albrecht, Bostelman, Geist, Hughes, Kolowski, McCollister, Quick, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources 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.

Quentin Bowen - Nebraska Environmental Trust Board
Paul Dunn - Nebraska Environmental Trust Board

Aye: 8 Albrecht, Bostelman, Geist, Hughes, Kolowski, McCollister, Quick, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR127.

(Signed) Anna Wishart, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 127. Introduced by Krist, 10.

WHEREAS, the Legislature established a Department of Correctional Services Special Investigative Committee in 2014 and 2015; and

WHEREAS, each of those committees issued reports with their findings of issues facing the department, Board of Parole, and Office of Parole Administration; and

WHEREAS, the department, Board of Parole, and Office of Parole Administration have begun to implement changes to resolve issues identified by the two previous special committees and through external and internal reviews; and

WHEREAS, even though some gains have been made within the department, a number of recent issues are cause for ongoing concern by the Legislature, including the loss of control of two housing units, the deaths of several inmates allegedly at the hands of other inmates, the placing of a low-level offender with significant personal issues in a restrictive housing cell with an inmate convicted of first degree murder, the failure to collect DNA samples from all inmates, the use of double celling in restrictive housing settings, the growth of protective management units and the use of protective custody, continued high rates of staff assaults, significant understaffing in several facilities, and the continued overcrowding of the correctional system; and

WHEREAS, the Legislature believes that oversight and engagement of the department is necessary in order for the Legislature to remain a partner in reform; and

WHEREAS, it is important that the Legislature develop partnerships in oversight of the adult justice system and undertake a review of the role of state agencies and their involvement in the justice system since many issues facing the department are impacted by other parts of the justice system; and

WHEREAS, the agencies that should be reviewed include the department, Office of Parole Administration, Board of Parole, Nebraska Commission on Law Enforcement and Criminal Justice, and Office of Probation Administration.

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

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 the Legislature is hereby authorized to study programs and policies relating to the adult justice system implemented and followed by the Department of Correctional Services, Office of Parole Administration, Board of Parole, Nebraska Commission on Law Enforcement and Criminal Justice, and Office of Probation Administration.

3. That the Nebraska Justice System Special Oversight Committee of the Legislature shall brief the Judiciary and Appropriations Committees of the Legislature by December 15, 2017, and December 15, 2018, and issue a report with its findings and recommendations to the Legislature as circumstances warrant.

4. That the Nebraska Justice System Special Oversight Committee of the Legislature is hereby authorized to continue its work until the beginning of the One Hundred Sixth Legislature, First Session.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 295. Placed on General File with amendment.
AM1418 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

EXECUTIVE BOARD REPORT

Senator Watermeier, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committee:

Nebraska Justice System Special Oversight Committee (LR127, 2017)

Senator Ebke (Chairperson)

Senator Bolz

Senator Brewer

Senator Geist
Senator Hilgers
Senator Hughes
Senator Wayne

(Signed) Dan Watermeier, Chairperson
Legislative Council, Executive Board

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 22, 2017, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Mueller Robak
Notarize, LLC (Withdrawn 05/22/2017)

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 247, 248, 249, 250, 252, 253, 254, 255, and 256 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 247, 248, 249, 250, 252, 253, 254, 255, and 256.

MOTION(S) - Confirmation Report(s)

Senator Albrecht moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 1611:

Commission of Industrial Relations
Dallas Jones

Voting in the affirmative, 44:

Albrecht	Craighead	Hilgers	Linehan	Schumacher
Baker	Crawford	Howard	Lowe	Smith
Blood	Ebke	Hughes	McCollister	Stinner
Bolz	Erdman	Kolowski	McDonnell	Vargas
Bostelman	Friesen	Kolterman	Morfeld	Watermeier
Brasch	Geist	Krist	Murante	Wayne
Brewer	Groene	Kuehn	Pansing Brooks	Williams
Briese	Halloran	Larson	Riepe	Wishart
Clements	Harr	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 3:

Chambers Hansen Hilkemann

Excused and not voting, 2:

Quick Walz

The appointment was confirmed with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found in this day's Journal:

Nebraska Power Review Board
Chuck Hutchison

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 3:

Chambers Harr Kolterman

Excused and not voting, 2:

Quick Walz

The appointment was confirmed with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

SENATOR WATERMEIER PRESIDING

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found in this day's Journal:

Nebraska Natural Resources Commission
James A. Shields

Voting in the affirmative, 44:

Albrecht	Crawford	Hilkemann	Linehan	Schumacher
Baker	Ebke	Howard	Lowe	Smith
Blood	Erdman	Hughes	McCollister	Stinner
Bolz	Friesen	Kolowski	McDonnell	Vargas
Bostelman	Geist	Kolterman	Morfeld	Watermeier
Brasch	Halloran	Krist	Murante	Wayne
Brewer	Hansen	Kuehn	Pansing Brooks	Williams
Clements	Harr	Larson	Riepe	Wishart
Craighead	Hilgers	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 2:

Briese Chambers

Excused and not voting, 3:

Groene Quick Walz

The appointment was confirmed with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found in this day's Journal:

Nebraska Environmental Trust Board
Quentin Bowen
Paul Dunn

Voting in the affirmative, 45:

Albrecht	Craighead	Hilgers	Lindstrom	Scheer
Baker	Crawford	Hilkemann	Linehan	Schumacher
Blood	Ebke	Howard	Lowe	Smith
Bolz	Erdman	Hughes	McCollister	Stinner
Bostelman	Friesen	Kolowski	McDonnell	Vargas
Brasch	Geist	Kolterman	Morfeld	Watermeier
Brewer	Halloran	Krist	Murante	Wayne
Briese	Hansen	Kuehn	Pansing Brooks	Williams
Clements	Harr	Larson	Riepe	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Groene Quick Walz

The appointments were confirmed with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 258. Read. Considered.

LR258 was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 259. Read. Considered.

LR259 was adopted with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 260. Read. Considered.

LR260 was adopted with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

SPEAKER SCHEER PRESIDING

MOTION - Notify Governor

Senator Hilkemann moved that a committee of five be appointed to notify the Governor that the One Hundred Fifth Legislature, First Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Brasch, Hilkemann Geist, Crawford, and Stinner to serve on said committee.

The committee returned and escorted Governor Pete Ricketts to the rostrum where he delivered a message to the members.

The committee escorted Governor Pete Ricketts from the Chamber.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 127, 258, 259, and 260.

SENATOR KRIST PRESIDING

EXECUTIVE BOARD REPORT

The following legislative study resolutions were rereferenced:

LR131 Rereferred from Judiciary to Health and Human Services
LR157 Rereferred from Appropriations to Health and Human Services
LR241 Rereferred from Health and Human Services to Judiciary

(Signed) Dan Watermeier, Chairperson
Legislative Council, Executive Board

MOTION(S) - Suspend Rules

Senator Scheer offered his motion found on page 1592, to 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.

The Scheer motion to suspend the rules prevailed with 42 ayes, 2 nays, 2 present and not voting, and 3 excused and not voting.

MOTION - Journal, Session Laws, and Indexes

Senator Schumacher moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the permanent Legislative Journal and Session Laws.

The motion prevailed.

MOTION - Eighty-Sixth Day Journal

Senator Harr moved that the Journal for the Eighty-Sixth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

VISITORS

Visitors to the Chamber were Sergeant at Arms Ron Witkowski's wife, children, and granddaughter, Susan, Mark, Matt, Jennifer, and Cameron; and Robert and Grace Hall from Shelby, IA.

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

MOTION - Adjourn Sine Die

Senator Smith moved that the One Hundred Fifth Legislature, First Session of the Nebraska Legislature, having finished all business before it, now at 2:29 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature