

FORTY-FIRST DAY - MARCH 6, 2017
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 6, 2017

PRAYER

The prayer was offered by Pastor Wayne Vogel, McCook Church of Christ, McCook.

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 Senator Morfeld who was excused; and Senators Bolz, Hansen, Kuehn, Larson, McCollister, Murante, and Stinner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

ANNOUNCEMENT(S)

Senator Clements designates LB222 as his priority bill.

Senator Albrecht designates LB506 as her priority bill.

Senator Scheer designates LB376 as his priority bill.

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems

Room 1525

Monday, March 20, 2017 8:30 a.m.

Richard DeFusco - Nebraska Investment Council (cancel)

Friday, March 31, 2017 8:00 a.m.

Richard DeFusco - Nebraska Investment Council

Friday, March 31, 2017 8:00 a.m.

James D. Schulz - Public Employees Retirement Board (cancel)

Monday, March 20, 2017 8:30 a.m.

James D. Schulz - Public Employees Retirement Board

(Signed) Mark Kolterman, Chairperson

ANNOUNCEMENT

The Chair announced the birthday of Senator Blood.

GENERAL FILE

LEGISLATIVE BILL 46A. Considered.

Senator Chambers offered the following motion:

MO47

Bracket until June 2, 2017.

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

The Chambers motion to bracket failed with 0 ayes, 37 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO49

Reconsider the vote taken to bracket.

Senator Watermeier offered the following motion:

MO48

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Watermeier moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

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

Voting in the affirmative, 39:

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

Voting in the negative, 1:

Chambers

Present and not voting, 8:

Baker	Howard	Krist	Pansing Brooks
Hansen	Kolowski	McCollister	Schumacher

Excused and not voting, 1:

Morfeld

The Watermeier motion to invoke cloture prevailed with 39 ayes, 1 nay, 8 present and not voting, and 1 excused and not voting.

The Chambers motion to reconsider failed with 3 ayes, 37 nays, 8 present and not voting, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 36:

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

Voting in the negative, 1:

Chambers

Present and not voting, 11:

Baker	Kolowski	Pansing Brooks	Walz
Hansen	Krist	Schumacher	Wayne
Howard	McCollister	Vargas	

Excused and not voting, 1:

Morfeld

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 11 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

PRESIDENT FOLEY PRESIDING

LEGISLATIVE BILL 85A. Title read. Considered.

Senator Blood offered the following motion:

MO46

Indefinitely postpone.

The Blood motion to indefinitely postpone prevailed with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

MOTION(S) - Confirmation Report(s)

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 554:

Technical Advisory Committee for Statewide Assessment

Chad W. Buckendahl

Voting in the affirmative, 33:

Albrecht	Clements	Hilgers	Kuehn	Scheer
Baker	Crawford	Hilkemann	Linehan	Stinner
Blood	Ebke	Howard	McCollister	Vargas
Bolz	Erdman	Hughes	McDonnell	Walz
Brewer	Groene	Kolowski	Murante	Wayne
Briese	Halloran	Kolterman	Pansing Brooks	
Chambers	Hansen	Krist	Quick	

Voting in the negative, 0.

Present and not voting, 13:

Bostelman	Friesen	Lowe	Smith	Wishart
Brasch	Larson	Riepe	Watermeier	
Craighead	Lindstrom	Schumacher	Williams	

Excused and not voting, 3:

Geist Harr Morfeld

The appointment was confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 554:

Coordinating Commission for Postsecondary Education
Gwenn Aspen

Voting in the affirmative, 30:

Albrecht	Chambers	Halloran	Kuehn	Quick
Baker	Clements	Hilgers	Lowe	Scheer
Blood	Craighead	Hilkemann	McCollister	Stinner
Bolz	Crawford	Hughes	McDonnell	Vargas
Brewer	Ebke	Kolterman	Murante	Walz
Briese	Groene	Krist	Pansing Brooks	Wayne

Voting in the negative, 0.

Present and not voting, 16:

Bostelman	Hansen	Lindstrom	Smith
Brasch	Howard	Linehan	Watermeier
Erdman	Kolowski	Riepe	Williams
Friesen	Larson	Schumacher	Wishart

Excused and not voting, 3:

Geist Harr Morfeld

The appointment was confirmed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 557:

Nebraska Tourism Commission
Roger Dixon
Mitch Glidden
Tony Moody
Carol Schlegel

Voting in the affirmative, 33:

Albrecht	Craighead	Hughes	McDonnell	Vargas
Baker	Crawford	Kolowski	Murante	Walz
Blood	Ebke	Kolterman	Pansing Brooks	Wayne
Bolz	Erdman	Krist	Quick	Williams
Bostelman	Hansen	Kuehn	Riepe	Wishart
Chambers	Hilkemann	Linehan	Scheer	
Clements	Howard	Lowe	Stinner	

Voting in the negative, 0.

Present and not voting, 13:

Brasch	Friesen	Hilgers	McCollister	Watermeier
Brewer	Groene	Larson	Schumacher	
Briese	Halloran	Lindstrom	Smith	

Excused and not voting, 3:

Geist	Harr	Morfeld
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The appointments were confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 557:

State Personnel Board
Mary Shanahan

Voting in the affirmative, 30:

Albrecht	Clements	Howard	Linehan	Scheer
Baker	Craighead	Hughes	Lowe	Stinner
Blood	Crawford	Kolowski	Murante	Vargas
Bostelman	Ebke	Kolterman	Pansing Brooks	Walz
Briese	Erdman	Krist	Quick	Wayne
Chambers	Hilkemann	Kuehn	Riepe	Williams

Voting in the negative, 0.

Present and not voting, 16:

Bolz	Groene	Larson	Schumacher
Brasch	Halloran	Lindstrom	Smith
Brewer	Hansen	McCollister	Watermeier
Friesen	Hilgers	McDonnell	Wishart

Excused and not voting, 3:

Geist Harr Morfeld

The appointment was confirmed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 92. Title read. Considered.

Committee AM253, found on page 490, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 181. Title read. Considered.

Senator Quick offered the following motion:

MO50

Unanimous consent to bracket until January 10, 2018.

No objections. So ordered.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 57. Introduced by Harr, 8; Crawford, 45.

WHEREAS, Linda Kennedy, a senior at Bellevue East Senior High School, has achieved national recognition for exemplary volunteer service as a Nebraska Distinguished Finalist for the 2017 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Kennedy earned this honor by giving generously of her time and energy to serve as an instructor and co-president for the nonprofit CHERISH Riding Association, a free horse riding group that teaches children how to ride and care for horses; and

WHEREAS, the success of the state, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Kennedy who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Ms. Kennedy as a Nebraska Distinguished Finalist for the 2017 Prudential Spirit of Community Award.

2. That the Legislature recognizes Ms. Kennedy's outstanding record of volunteer service, peer leadership, and community spirit and extends best wishes for her continued success and happiness.

3. That a copy of this resolution be sent to Ms. Kennedy.

Laid over.

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.

Scott McPheeters - Nebraska Ethanol Board

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

(Signed) Dan Hughes, Chairperson

ANNOUNCEMENT(S)

Senator Pansing Brooks designates LB158 as her priority bill.

The General Affairs Committee designates LB632 as its priority bill.

The Executive Board designates LB207 and LB539 as its priority bills.

Senator Brewer designates LB340 as his priority bill.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 256. Placed on General File with amendment.
AM452

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

3 Section 1. Sections 1 to 8 of this act shall be known and may be
4 cited as the Vacant Property Registration Act.

5 Sec. 2. The Legislature finds and declares that:

6 (1) Vacant properties have the potential to create a host of
7 problems for Nebraska communities, including a propensity to foster
8 criminal activity, create public health problems, and otherwise diminish
9 quality of life;

10 (2) Vacant properties have the potential to reduce the value of area
11 properties, increase the risk of property damage through arson and
12 vandalism, and discourage neighborhood stability;

13 (3) Vacant properties represent unrealized economic growth in

14 Nebraska communities;
15 (4) A vacant property registration ordinance allows a municipality
16 to discourage property vacancy, maintain unoccupied buildings, provide a
17 data base of vacant properties and their owners, and assess fees for the
18 increased public costs associated with vacant properties;
19 (5) Fees imposed under a vacant property registration ordinance have
20 the potential to benefit the owners of vacant properties by helping to
21 finance additional government services to protect the value and security
22 of such properties; and
23 (6) Enactment of a vacant property registration ordinance is a
24 proper exercise of governmental authority to protect the public health,
25 safety, and welfare of community residents and a valid regulatory scheme.
26 Sec. 3. The purposes of the Vacant Property Registration Act are to
27 promote the health, safety, and welfare of Nebraska residents by
1 providing authority for municipalities to enact vacant property
2 registration ordinances. Such ordinances will allow communities to
3 identify and register vacant properties, collect fees to compensate for
4 the public costs of vacant properties, plan for the rehabilitation of
5 vacant properties, and encourage the occupancy of vacant properties.
6 Sec. 4. For purposes of the Vacant Property Registration Act:
7 (1) Evidence of vacancy means any condition or circumstance that on
8 its own or in combination with other conditions or circumstances would
9 lead a reasonable person to believe that a residential building or
10 commercial building is vacant. Such conditions or circumstances may
11 include, but are not limited to:
12 (a) Overgrown or dead vegetation, including grass, shrubbery, and
13 other plantings;
14 (b) An accumulation of abandoned personal property, trash, or other
15 waste;
16 (c) Visible deterioration or lack of maintenance of any building or
17 structure on the property;
18 (d) Graffiti or other defacement of any building or structure on the
19 property; or
20 (e) Any other condition or circumstance reasonably indicating that
21 the property is not occupied for residential purposes or being used for
22 the operation of a lawful business;
23 (2) Municipality means a city of the first class, city of the second
24 class, or village;
25 (3) Owner means the person, persons, or entity shown to be the owner
26 or owners of record on the records of the register of deeds;
27 (4) Residential building means a house, a condominium, a townhouse,
28 an apartment unit or building, or a trailer house; and
29 (5) Vacant means that a residential building or commercial building
30 exhibits evidence of vacancy.
31 Sec. 5. Under the Vacant Property Registration Act, a municipality
1 may adopt a vacant property registration ordinance which applies to any
2 type of either residential or commercial buildings or both, located
3 within the corporate limits of the municipality, except that a vacant
4 property registration ordinance shall not apply to property owned by the

5 federal government, the State of Nebraska, or any political subdivision
6 thereof. A vacant property registration ordinance shall create a city-
7 wide vacant property registration data base and clearly designate a
8 program administrator.

9 Sec. 6. (1) Owners of vacant property subject to a vacant property
10 registration ordinance adopted pursuant to section 5 of this act shall be
11 required to register such property with the program administrator if the
12 property has been vacant for one hundred eighty days or longer. A vacant
13 property registration ordinance registration form shall be in either
14 paper or electronic form, and the following information shall be
15 required:

16 (a) The name, street address, mailing address, telephone number,
17 and, if applicable, the facsimile number and email address of the
18 property owner and his or her agent;

19 (b) The street address and parcel identification number of the
20 vacant property;

21 (c) The transfer date of the instrument conveying the property to
22 the owner; and

23 (d) The date on which the property became vacant.

24 (2)(a) A vacant property registration ordinance may require payment
25 of a fee one hundred eighty days after initial registration of the vacant
26 property pursuant to subsection (1) of this section or three hundred
27 sixty days after the property becomes vacant, whichever is sooner, and
28 may require the payment of supplemental registration fees at intervals
29 not more frequently than every six months thereafter for as long as the
30 property remains on the vacant property registration data base. The
31 initial registration fee shall be not more than two hundred fifty dollars
1 for a residential property and not more than one thousand dollars for a
2 commercial property. A supplemental registration fee shall be not more
3 than double the previous fee amount, with a maximum supplemental
4 registration fee of ten times the initial registration fee amount.

5 Registration fees may be refundable for the year preceding the date on
6 which the property becomes occupied.

7 (b) A vacant property registration ordinance shall provide an
8 exemption to the registration and fee requirements for vacant property
9 that is advertised in good faith for sale or lease.

10 (c) A vacant property registration ordinance may provide exemptions
11 to the registration and fee requirements, including, but not limited to,
12 for vacant property:

13 (i) Only considered to be a seasonal residence;

14 (ii) Damaged by fire, weather, an act of God, or vandalism;

15 (iii) Under construction or renovation;

16 (iv) Where the owner is temporarily absent, but who has demonstrated
17 his or her intent to return; and

18 (v) Which is subject to divorce, probate, or estate proceedings.

19 Sec. 7. (1) A vacant property registration ordinance shall:

20 (a) Provide that a subsequent owner or owners of property subject to
21 the ordinance will assume the obligations of the previous owner or
22 owners;

23 (b) Provide for removal of the property from the vacant property
 24 registration database when the property is no longer vacant.
 25 (c) Require submission of an owner plan for occupancy of the
 26 property; and
 27 (d) Provide that owners have the right to prior notice and to appeal
 28 adverse decisions of the municipality or the program administrator. Such
 29 notice shall be sent by certified mail to the registered owner at the
 30 address maintained in the county assessor's office at least ten days
 31 prior to such adverse decision.
 1 (2) A vacant property registration ordinance may allow the program
 2 administrator or his or her designee to inspect the interior and exterior
 3 of the vacant property upon registration and at one-year intervals
 4 thereafter. A vacant property registration ordinance may provide for
 5 municipal fines for failure to comply with its requirements. A
 6 municipality may enforce the collection of vacant property registration
 7 fees by civil action in any court of competent jurisdiction. Unpaid
 8 vacant property registration fees and unpaid fines for any violation of a
 9 vacant property registration ordinance shall become a lien on the
 10 applicable property upon the recording of a notice of such lien in the
 11 office of the register of deeds of the county in which the applicable
 12 property is located. The lien created under this section shall be
 13 subordinate to all liens on the applicable property recorded prior to the
 14 time the notice of such lien under this section is recorded.
 15 Sec. 8. The provisions of the Vacant Property Registration Act
 16 shall be supplemental and in addition to any other laws of the State of
 17 Nebraska relating to vacant property.
 18 Sec. 9. The Revisor of Statutes shall assign sections 1 to 8 of
 19 this act to Chapter 19.

LEGISLATIVE BILL 625. Placed on General File with amendment.
 AM224

1 1. On page 4, lines 3 through 8, strike the new matter and reinstate
 2 the stricken matter.
 3 2. On page 5, line 22, after “municipality” insert “or its
 4 extraterritorial zoning jurisdiction”; and in line 24 after “boundaries”
 5 insert “or extraterritorial zoning jurisdiction”.
 6 3. On page 10, line 27, after the period insert “Any third-party
 7 lender collecting annual assessments directly from the owner of the
 8 qualifying property shall notify the municipality within three business
 9 days if an annual assessment becomes delinquent.”.

(Signed) Justin Wayne, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Briese name added to LB638.
 Senator Baker name added to LB641.

VISITOR(S)

Visitors to the Chamber were 57 eleventh- and twelfth-grade students, teacher, and sponsor from Waverly High School; and members of the Monument Prevention Coalition - Youth Advisory Council from Scotts Bluff County.

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

ADJOURNMENT

At 11:47 a.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Tuesday, March 7, 2017.

Patrick J. O'Donnell
Clerk of the Legislature