

FORTY-SECOND DAY - MARCH 7, 2017**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 7, 2017

PRAYER

The prayer was offered by President Foley.

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 Bolz, Groene, Hansen, McCollister, Morfeld, Smith, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

ANNOUNCEMENT(S)

Senator Baker designates LB122 as his priority bill.

MOTION(S) - Confirmation Report(s)

Senator Friesen moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 590:

Motor Vehicle Industry Licensing Board
William Ashburn
Dennis Schworer

Voting in the affirmative, 37:

Albrecht	Craighead	Hilkemann	Linehan	Stinner
Blood	Crawford	Howard	Lowe	Vargas
Bostelman	Ebke	Hughes	McDonnell	Walz
Brasch	Erdman	Kolowski	Murante	Wayne
Brewer	Friesen	Krist	Pansing Brooks	Williams
Briese	Geist	Kuehn	Quick	
Chambers	Halloran	Larson	Scheer	
Clements	Hilgers	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 4:

Baker	Harr	Kolterman	Riepe
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Excused and not voting, 8:

Bolz	Hansen	Morfeld	Watermeier
Groene	McCollister	Smith	Wishart

The appointments were confirmed with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 447. Title read. Considered.

Senator Chambers offered the following amendment:

FA42

Page 2, line 15, strike "fifty" and insert "forty".

Pending.

ANNOUNCEMENT(S)

Senator Halloran designates LR6 as his priority resolution.

Senator Ebke designates LB34 as her priority bill.

The Judiciary Committee designates LB289 and LB487 as its priority bills.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 300. Placed on General File.

LEGISLATIVE BILL 444. Placed on General File with amendment.

AM467

1 1. Strike original section 1 and insert the following new section:

2 Section 1. (1) No city or county offering an individual or family
3 health insurance policy to first responders shall cancel such individual
4 or family health insurance for any first responder who suffers serious
5 bodily injury from an assault that occurs while the first responder is on
6 duty and that results in the first responder falling below the minimum
7 number of working hours needed to maintain his or her regular individual
8 or family health insurance.
9 (2) The city or county shall only be obligated to provide such
10 health insurance while the first responder is employed with the city or
11 county.
12 (3) A city or county may cancel such health insurance if the first
13 responder does not return to employment within twelve months after the
14 date of injury.
15 (4) For purposes of this section, first responder means a sheriff,
16 deputy sheriff, police officer, volunteer or paid firefighter, or
17 volunteer or paid individual licensed under a licensure classification in
18 subdivision (1) of section 38-1217 who provides medical care in order to
19 prevent loss of life or aggravation of physiological or psychological
20 illness or injury.

(Signed) Laura Ebke, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 46A. Placed on Select File.
LEGISLATIVE BILL 92. Placed on Select File.

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB207:
AM507

1 1. Insert the following new section:
2 Sec. 4. Section 43-4325, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 43-4325 (1) Reports of investigations conducted by the office shall
5 not be distributed beyond the entity that is the subject of the report
6 without the consent of the Inspector General.
7 (2) Except when a report is provided to a guardian ad litem or an
8 attorney in the juvenile court pursuant to subsection (2) of section
9 43-4327, the office shall redact confidential information before
10 distributing a report of an investigation. The office may disclose
11 confidential information to the chairperson of the Health and Human
12 Services Committee of the Legislature or the chairperson of the Judiciary
13 Committee of the Legislature when such disclosure is, in the judgment of
14 the Public Counsel, desirable to keep the chairperson informed of
15 important events, issues, and developments in the Nebraska child welfare

16 system.

17 (3)(a) A summarized final report based on an investigation may be
 18 publicly released in order to bring awareness to systemic issues.

19 (b) Such report shall be released only:

20 (i) After a disclosure is made to the appropriate chairperson or
 21 chairpersons pursuant to subsection (2) of this section; and

22 (ii) If a determination is made by the Inspector General with the
 23 appropriate chairperson that doing so would be in the best interest of
 24 the public.

25 (c) If there is disagreement about whether releasing the report
 26 would be in the best interest of the public, the chairperson of the
 27 Executive Board of the Legislative Council may be asked to make the final
 1 decision.

2 (4) ~~(3)~~ Records and documents, regardless of physical form, that are
 3 obtained or produced by the office in the course of an investigation are
 4 not public records for purposes of sections 84-712 to 84-712.09. Reports
 5 of investigations conducted by the office are not public records for
 6 purposes of sections 84-712 to 84-712.09.

7 (5) ~~(4)~~ The office may withhold the identity of sources of
 8 information to protect from retaliation any person who files a complaint
 9 or provides information in good faith pursuant to the Office of Inspector
 10 General of Nebraska Child Welfare Act.

11 2. Renumber the remaining sections, correct internal references, and
 12 amend the repealer accordingly.

Senator Stinner filed the following amendment to LB331:

AM494

1 1. Insert the following new sections:

2 Sec. 19. Section 77-2715.01, Revised Statutes Cumulative Supplement,
 3 2016, is amended to read:

4 77-2715.01 (1)(a) Commencing in 1987 the Legislature shall set the
 5 rates for the income tax imposed by section 77-2715 and the rate of the
 6 sales tax imposed by subsection (1) of section 77-2703. For taxable years
 7 beginning or deemed to begin before January 1, 2013, the rate of the
 8 income tax set by the Legislature shall be considered the primary rate
 9 for establishing the tax rate schedules used to compute the tax.

10 (b) The Legislature shall set the rates of the sales tax and income
 11 tax so that the estimated funds available plus estimated receipts from
 12 the sales, use, income, and franchise taxes will be not less than three
 13 percent nor more than seven percent in excess of the appropriations and
 14 express obligations for the biennium for which the appropriations are
 15 made, except that for the biennium ending June 30, 2019, the percentage
 16 shall not be less than two percent nor more than seven percent. The
 17 purpose of this subdivision is to insure that there shall be maintained
 18 in the state treasury an adequate General Fund balance, considering cash
 19 flow, to meet the appropriations and express obligations of the state.

20 (c) For purposes of this section, express obligation shall mean an
 21 obligation which has fiscal impact identifiable by a sum certain or by an
 22 established percentage or other determinative factor or factors.

23 (2) The Speaker of the Legislature and the chairpersons of the
24 Legislature's Executive Board, Revenue Committee, and Appropriations
25 Committee shall constitute a committee to be known as the Tax Rate Review
26 Committee. The Tax Rate Review Committee shall meet with the Tax
27 Commissioner within ten days after July 15 and November 15 of each year
1 and shall determine whether the rates for sales tax and income tax should
2 be changed. In making such determination the committee shall recalculate
3 the requirements pursuant to the formula set forth in subsection (1) of
4 this section, taking into consideration the appropriations and express
5 obligations for any session, all miscellaneous claims, deficiency bills,
6 and all emergency appropriations. The committee shall prepare an annual
7 report of its determinations under this section. The committee shall
8 submit such report electronically to the Legislature and shall append the
9 tax expenditure report required under section 77-382 and the revenue
10 volatility report required under section 50-419.02.
11 In the event it is determined by a majority vote of the committee
12 that the rates must be changed as a result of a regular or special
13 session or as a result of a change in the Internal Revenue Code of 1986
14 and amendments thereto, other provisions of the laws of the United States
15 relating to federal income taxes, and the rules and regulations issued
16 under such laws, the committee shall petition the Governor to call a
17 special session of the Legislature to make whatever rate changes may be
18 necessary.
19 Sec. 20. Section 81-125.01, Reissue Revised Statutes of Nebraska, is
20 amended to read:
21 81-125.01 The Governor, when preparing the budget provided for in
22 section 81-125, and the Legislature, when preparing its proposed budget,
23 shall include a reserve requirement, calculated pursuant to subsection
24 (1) of section 77-2715.01, of not less than three percent of the
25 appropriations included in such budget, except that for the biennium
26 ending June 30, 2019, the percentage shall not be less than two percent.
27 2. On page 17, line 31, after the third comma insert "81-125.01,".
28 3. On page 18, line 2, strike "and" and after "72-2211," insert "and
29 77-2715.01,".
30 4. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1003

Wednesday, March 15, 2017 1:30 p.m.

AM494 to LB331

(Signed) John Stinner, Chairperson

GENERAL FILE

LEGISLATIVE BILL 447. The Chambers amendment, FA42, found in this day's Journal, was renewed.

SPEAKER SCHEER PRESIDING

Pending.

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 287. Placed on General File with amendment.
AM385

1 1. On page 3, line 3, after the period insert "The team shall
2 provide the annual report on or before each September 15."; in line 13
3 strike "qualified"; in line 16 strike "contain" and insert "contains";
4 strike lines 19 and 20 and insert "information, and destruction of the
5 information. All of the confidentiality provisions of section 71-3411
6 shall apply to the activities of the data storage entity."; and after
7 line 26 insert the following new subsection:
8 "(6) For purposes of this section, entity means an organization
9 which provides collection and storage of data from multiple agencies but
10 is not solely controlled by the agencies providing the data.".

LEGISLATIVE BILL 430. Placed on General File with amendment.
AM176

1 1. On page 2, lines 3 and 4, strike the new matter and reinstate the
2 stricken matter.
3 2. On page 4, line 8, strike "fifty-three", show as stricken, and
4 insert "eighty-two" and strike "July 1, 1997", show as stricken, and
5 insert "January 1, 2018"; in line 16 strike "direct" and show as
6 stricken; in line 20 after the period insert "This subdivision shall not
7 apply to any nuclear power plant that (a) has initiated permanent plant
8 decommissioning and has notified the department that it has implemented a
9 permanent defueled emergency plan which no longer requires pre-planned
10 assistance from state agencies pursuant to rules and regulations of the
11 United States Nuclear Regulatory Commission and (b) no longer requires
12 protective actions beyond the site boundary to protect the public and the
13 environment from exposure to radiation as a result of an event at such
14 plant.
15 (8) If a nuclear power plant is no longer subject to the fee
16 requirement pursuant to subdivision (7) of this section, the fee for the
17 remaining nuclear power plant shall not exceed the lesser of the actual
18 costs of the department's activities or one hundred ten thousand dollars
19 per annum. Such fee shall be subject to all other provisions of
20 subdivision (7) of this section."; and strike lines 21 through 24.

LEGISLATIVE BILL 506. Placed on General File with amendment.
AM464

1 1. On page 2, line 20, after "physician" insert "or nurse
2 practitioner"; in line 21 strike "shall" and insert "may"; in line 22
3 after "the" insert "pregnant"; in line 24 strike "parents" and insert
4 "pregnant woman"; and in line 31 strike "prescribed" and insert
5 "provided".
6 2. On page 2, line 30; and page 3, line 5, strike "parents" and
7 insert "the pregnant woman".
8 3. On page 3, lines 4 and 5, strike "and palliative care"; in line 6
9 strike "find" through "their" and insert "finds out that her"; and in
10 line 7 strike "choose" through "their" and insert "chooses to continue
11 her".

(Signed) Merv Riepe, Chairperson

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB10:

AM485

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 43-2,119, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 43-2,119 (1) The number of judges of the separate juvenile court in
6 counties which have established a separate juvenile court shall be:
7 (a) Two judges in counties having seventy-five thousand inhabitants
8 but less than two hundred thousand inhabitants;
9 (b) Four judges in counties having at least two hundred thousand
10 inhabitants but less than four hundred thousand inhabitants; and
11 (c) ~~Six~~ Five judges in counties having four hundred thousand
12 inhabitants or more.
13 (2) The senior judge in point of service as a juvenile court judge
14 shall be the presiding judge. The judges shall rotate the office of
15 presiding judge every three years unless the judges agree to another
16 system.
17 Sec. 2. This act becomes operative on July 1, 2017.
18 Sec. 3. Original section 43-2,119, Reissue Revised Statutes of
19 Nebraska, is repealed.
20 Sec. 4. Since an emergency exists, this act takes effect when
21 passed and approved according to law.

Senator Pansing Brooks filed the following amendment to LB407:

AM528

1 1. On page 2, strike beginning with "chief" in line 15 through
2 "Development" in line 19 and insert "executive director of the Commission
3 on Indian Affairs".

ANNOUNCEMENT(S)

Senator Smith designates LB161 as his priority bill.

COMMITTEE REPORT(S)

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.

Mary Beth Hanus - Nebraska Child Abuse Prevention Fund Board
Lisa Knoche - Nebraska Child Abuse Prevention Fund Board

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.

Thomas L. Williams, Chief Medical Officer and Director - Division of
Public Health-Department of Health and Human Services

Aye: 6 Crawford, Erdman, Kolterman, Linehan, Riepe, Williams. Nay: 0.
Absent: 0. Present and not voting: 1 Howard.

(Signed) Merv Riepe, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 58. Introduced by Baker, 30.

WHEREAS, on March 4, 2017, at the Pinnacle Bank Arena, the Lincoln Southwest High School girls' basketball team won the 2017 Class A Girls' State Basketball Championship; and

WHEREAS, the Silver Hawks were tied with the Millard South Patriots at the end of regulation play in the championship game with a score of 47 to 47; and

WHEREAS, the Silver Hawks prevailed in overtime to beat the Patriots with a final score of 56 to 51; and

WHEREAS, this is the first championship win for the Silver Hawks girls' basketball team since Lincoln Southwest opened in August of 2002; and

WHEREAS, Head Coach Jeff Rump guided the team through a 23-5 season; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Lincoln Southwest High School girls' basketball team on winning their first state championship.
2. That a copy of this resolution be sent to the Silver Hawks and Coach Jeff Rump.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McDonnell name added to LB161.

VISITOR(S)

Visitors to the Chamber were 14 tenth- through twelfth-grade students and teacher from Madison High School; 26 twelfth-grade students, teachers, and sponsor from Hartington/Newcastle; 30 ninth- through twelfth-grade students and teachers from Lincoln Northeast High School; 55 fourth-grade students from Rockwell Elementary, Omaha; members of Leadership and Youth Leadership Kearney; members of Leadership Columbus; and Senator Howard's husband, Doug Schroder from Omaha, and father- and mother-in-law, Ernie Schroder and Nancy Strong from Carson, IA.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Harr, the Legislature adjourned until 9:00 a.m., Wednesday, March 8, 2017.

Patrick J. O'Donnell
Clerk of the Legislature

