

FOURTEENTH DAY - JANUARY 24, 2017**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 24, 2017

PRAYER

The prayer was offered by Senator Riepe.

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 Groene, Hughes, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB661	Government, Military and Veterans Affairs
LB168	Judiciary (rereferred)
LB471	Transportation and Telecommunications (rereferred)
LB595	Education (rereferred)
LB644	Government, Military and Veterans Affairs (rereferred)
LB667	General Affairs (rereferred)

(Signed) Dan Watermeier, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Wednesday, February 1, 2017 1:30 p.m.

LB353
LB371
LB381
LB542
LB544

Friday, February 3, 2017 2:00 p.m.

LB84
LB202
Jeffrey Davis - Crime Victim's Reparations Committee
Joe P. Kelly - Crime Victim's Reparations Committee
Rita G. Sanders - Crime Victim's Reparations Committee

Wednesday, February 8, 2017 1:30 p.m.

LB53
LB107
LB108
LB160
LB447

Thursday, February 9, 2017 1:30 p.m.

LB60
LB104
LB122
LB198
LB307

Friday, February 10, 2017 2:00 p.m.

LB193
LB509
LB517
LB647

(Signed) Laura Ebke, Chairperson

MOTION(S) - Withdraw LB642

Senator Krist offered his motion, MO14, found on page 313, to withdraw LB642.

The Krist motion to withdraw the bill prevailed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

MOTION(S) - Withdraw LB583

Senator Kuehn offered his motion, MO15, found on page 313, to withdraw LB583.

The Kuehn motion to withdraw the bill prevailed with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 45. Senator McCollister renewed his amendment, AM32, found on page 322.

Senator McCollister moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The McCollister amendment was adopted with 44 ayes, 0 nays, and 5 present and not voting.

The Chair declared the call raised.

Senator Watermeier offered the following amendment:
AM39

1 1. On page 3, line 20, strike the new matter and reinstate the
2 stricken matter; and in lines 23 through 25 strike the new matter.

Senator Chambers offered the following motion:
MO21
Bracket until June 2, 2017.

Senator Chambers withdrew his motion to bracket.

The Watermeier amendment was adopted with 34 ayes, 2 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 16. Placed on General File.
LEGISLATIVE BILL 99. Placed on General File.
LEGISLATIVE BILL 140. Placed on General File.
LEGISLATIVE BILL 184. Placed on General File.
LEGISLATIVE BILL 185. Placed on General File.
LEGISLATIVE BILL 186. Placed on General File.
LEGISLATIVE BILL 196. Placed on General File.

(Signed) Brett Lindstrom, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 56. Placed on Select File.

(Signed) Anna Wishart, Chairperson

MOTION(S) - Print in Journal

Senator Chambers filed the following motion to LB644:
MO18
Rerefer to the Judiciary Committee.

Senator Chambers filed the following motion to LB595:
MO19
Rerefer to the Judiciary Committee.

Senator Chambers filed the following motion to LB661:
MO20
Rerefer to the Judiciary Committee.

BILL ON FIRST READING

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

LEGISLATIVE BILL 46A. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 46, One Hundred Fifth Legislature, First Session, 2017.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Monday, February 6, 2017 1:30 p.m.

LB144

LB265

LB571

Tuesday, February 7, 2017 1:30 p.m.

LB554

LB645

LB595

(Signed) Mike Groene, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, January 31, 2017 1:30 p.m.

LB418

LB346

LB347

LB404

(Signed) Curt Friesen, Chairperson

Executive Board

Room 2102

Wednesday, February 1, 2017 12:00 p.m.

LB376

LB442

Thursday, February 2, 2017 12:00 p.m.

LB407

LB445

(Signed) Dan Watermeier, Chairperson

Health and Human Services

Room 1510

Wednesday, February 1, 2017 1:30 p.m.

LB225
LB417

Friday, February 3, 2017 1:30 p.m.

LB227
LB283
LB360

Wednesday, February 8, 2017 1:30 p.m.

LB50
LB456

Thursday, February 9, 2017 1:30 p.m.

LB495
LB605

(Signed) Merv Riepe, Chairperson

Natural Resources

Room 1525

Wednesday, February 1, 2017 1:30 p.m.

LB390
LB536

Wednesday, February 8, 2017 1:30 p.m.

Randy Gard - Nebraska Ethanol Board
LB566
LB635
LB636

Thursday, February 9, 2017 1:30 p.m.

LB626
LB392

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

LB218
LB488

Thursday, February 16, 2017 1:30 p.m.

LB657
LB660

Wednesday, February 22, 2017 1:30 p.m.

LB429
LB87
LB610

Thursday, February 23, 2017 1:30 p.m.

LB448

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

LB547
LB504

Thursday, March 2, 2017 1:30 p.m.

LB352
LB533

(Signed) Dan Hughes, Chairperson

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.

Stephen Bader - Nebraska Arts Council
Candy Henning - Nebraska Arts Council
Melissa Marvin - Nebraska Arts Council
Paula L. Pflueger - Nebraska Arts Council
Reven Wright - Nebraska Arts Council

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.

Helen Abbott Feller - 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

PROPOSED RULES CHANGES

Senator Harr offered the following proposed rule change:

Amend Rule 5, Sec. 7(d)

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk at least ~~forty-eight~~ seventy-two hours prior to the public hearing on the bill or, in the event the bill is referred directly to General File, twenty-four hours prior to the first consideration of the bill on General File. The Clerk shall present the fiscal note to the principal introducer. If extenuating circumstances prevent the Legislative Fiscal Analyst from meeting this deadline, he or she shall present to the principal introducer an unofficial summary of all available fiscal information on the bill by this deadline and deliver to the Clerk the fiscal note when it is available. The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.

Senator Wayne offered the following proposed rule change:

Amend Rule 3, Sec. 14

Sec. 14. Public Hearing, Notice. Before taking final action on a bill, resolution, or gubernatorial appointment, a committee shall hold a public hearing thereon and shall give at least ~~ten~~ seven calendar days' notice, after the bill or pronouncement of the appointee shall have been printed, by publication in the Legislative Journal. No bill or resolution having been set for public hearing shall be withdrawn nor the hearing canceled within seven calendar days of the date set for said public hearing.

Senator Harr offered the following proposed rule change:

Amend Rule 8, Sec. 5

Sec. 5. Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund biennium appropriation which shall be allocated for the funding of "A" bills, bills that result in the net reduction of revenue to or from the General Fund, tax expenditure bills, and amendments to the appropriations bills as reported to General File by the Appropriations Committee. During a 90 day session, all "A" bills which, when considered with their companion bill, appropriate

general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; and all tax expenditure bills shall not be read on Final Reading until the appropriations bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriations bills on General File no later than the 70th legislative day in a 90 day session and the 40th legislative day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriations bills as introduced by the Governor. During a 60 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; all tax expenditure bills; and all appropriations bills shall not be read on Final Reading prior to the 45th legislative day. The appropriations bills shall be passed no later than the 80th legislative day in a 90 day session and the 50th legislative day in a 60 day session. The appropriations provided for in an "A" bill shall be for not less than two fiscal years.

Senator Hansen offered the following proposed rule change:

Amend Rule 3, Sec. 20(b), line 3 to:

"... and by a ~~vote of a majority~~ three-fifths vote of the elected members..."

Senator Hansen offered the following proposed rule change:

Amend Rule 3, Sec. 18, line 4 to:

"committee by a ~~three-fifths~~ two-thirds vote of the elected members..."

RESOLUTION(S)

LEGISLATIVE RESOLUTION 20. Introduced by Baker, 30.

WHEREAS, on August 21, 2017, the State of Nebraska will experience an extremely rare total solar eclipse, which occurs when the moon passes between the earth and the sun, causing a narrow track of darkness across the earth; and

WHEREAS, the solar eclipse will begin at approximately 11:30 a.m. Central Time and reach its peak of darkness at approximately 1:00 p.m. Central Time; and

WHEREAS, total solar eclipses occur with relative frequency but rarely over inhabited land masses; and

WHEREAS, the path for the eclipse in August will extend from the Oregon coast through Idaho, Wyoming, Nebraska, Kansas, Missouri, Illinois, Kentucky, Tennessee, Georgia, North Carolina, and South Carolina, making Nebraska a prime location for people to view the eclipse; and

WHEREAS, this is an unprecedented historic event for Nebraska and offers people from across the United States the opportunity to view a rare celestial event in Nebraska; and

WHEREAS, the total solar eclipse will give a number of counties across the state the opportunity to showcase Nebraska in a unique light.

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

1. That the Legislature recognizes this historic solar event and encourages all Nebraskans to safely experience the solar eclipse on August 21, 2017.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 80. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 134. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 21. Introduced by Krist, 10.

WHEREAS, Senator Bill Kintner, as a member of the Nebraska Legislature, has been the subject of action of the Nebraska Accountability and Disclosure Commission; and

WHEREAS, the ruling of the Nebraska Accountability and Disclosure Commission against Senator Kintner determined that he used his public office for personal financial gain in violation of section 49-14,101.01; and

WHEREAS, the conduct of Senator Kintner has impugned the integrity of the Nebraska Legislature and has caused state, local, and national reaction; and

WHEREAS, such conduct has brought the Legislature and legislative processes into disrespect and disrepute, has shaken the confidence of the people of the state in the Legislature, and has impaired the ability of the Legislature to conduct its business; and

WHEREAS, in accordance with Article III, section 10, of the Constitution of Nebraska, it is the power and responsibility of the Legislature to expel a member.

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

1. That Senator Bill Kintner of the 2nd Legislative District is hereby expelled from the One Hundred Fifth Legislature for improper, immoral, and unethical conduct; namely, that he used his public office for personal financial gain in violation of section 49-14,101.01 and his conduct in so doing shows a lack of judgment and integrity and a disrespect for his constituents.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Linehan name added to LB46.

Senator Ebke name added to LB368.

Senator Linehan name added to LB295.

Senator Linehan name added to LB452.

Senator Quick name added to LB506.

Senator McDonnell name added to LB46.

Senator Kolterman name added to LB645.

Senator Groene name added to LB502.

Senator Groene name added to LB504.

WITHDRAW - Cointroducer(s)

Senator Blood name withdrawn from LB644.

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB46:

AM40

1 1. On page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16,
2 21, and 24; page 12, lines 2, 10, 17, 20, 23, and 26; and page 13, lines
3 6 and 10 and 11, strike "Choose Life" and insert "Stop Child Abuse".

VISITOR(S)

Visitors to the Chamber were Andrew, Erin, Jules, and Evie Johnston from Omaha.

The Doctor of the Day was Dr. Michelle Sell from Central City.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Ebke, the Legislature adjourned until 9:00 a.m., Wednesday, January 25, 2017.

Patrick J. O'Donnell
Clerk of the Legislature

