

SEVENTY-FIRST DAY - APRIL 25, 2017

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION**

SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 25, 2017

PRAYER

The prayer was offered by Pastor Jackie Perry, First Congregational United Church of Christ, Norfolk.

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, Friesen, Groene, Hughes, Pansing Brooks, Watermeier, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventieth day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 102, 103, 104, and 105 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 102, 103, 104, and 105.

GENERAL FILE

LEGISLATIVE BILL 233. Title read. Considered.

Committee AM127, found on page 403, was offered.

Senator Smith withdrew his amendment, AM707, found on page 771.

Senator Stinner offered his amendment, AM998, found on page 1028, to the committee amendment.

Senator Chambers offered the following motion:

MO100

Bracket until May 1, 2017.

Speaker Scheer requested to pass over LB233.

LEGISLATIVE BILL 451. Title read. Considered.

Committee AM1137, found on page 1126, was offered.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 492. Placed on Select File.

LEGISLATIVE BILL 274. Placed on Select File.

LEGISLATIVE BILL 209. Placed on Select File.

LEGISLATIVE BILL 307. Placed on Select File.

LEGISLATIVE BILL 517. Placed on Select File with amendment.

ER79

1 1. On page 1, line 4, after the semicolon insert "to define terms;".

LEGISLATIVE BILL 268A. Placed on Select File.

LEGISLATIVE BILL 320. Placed on Select File.

LEGISLATIVE BILL 458. Placed on Select File.

LEGISLATIVE BILL 200. Placed on Select File with amendment.

ER78

1 1. On page 1, strike beginning with "roads" in line 1 through line 4
2 and insert "officers; to amend sections 23-1901.02, 33-116, and 39-1506,
3 Reissue Revised Statutes of Nebraska, and section 23-1901, Revised
4 Statutes Cumulative Supplement, 2016; to change provisions relating to
5 county engineers, county surveyors, and county highway superintendents in
6 certain counties as prescribed; and to repeal the original sections."

LEGISLATIVE BILL 508. Placed on Select File with amendment.

ER77

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 23-2503, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 23-2503 In any county having a population of four ~~three~~ hundred
6 thousand inhabitants or more as determined by the most recent federal
7 decennial census, there shall be a Civil Service Commission which shall
8 be formed as provided in sections 23-2501 to 23-2516. A county shall
9 comply with this section within six months after a determination that the
10 population has reached four ~~three~~ hundred thousand inhabitants or more as

11 determined by the most recent federal decennial census.
12 Sec. 2. Section 23-2518, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:
14 23-2518 For purposes of the County Civil Service Act:
15 (1) Appointing authority means elected officials and appointed
16 department directors authorized to make appointments in the county
17 service;
18 (2) Board of county commissioners means the board of commissioners
19 of any county with a population of one hundred fifty thousand or more but
20 less than four to three hundred thousand inhabitants as determined by the
21 most recent federal decennial census;
22 (3) Classified service means the positions in the county service to
23 which the act applies;
24 (4) County personnel officer means the employee designated by the
25 board of county commissioners to administer the act;
26 (5) Department means a functional unit of the county government
27 headed by an elected official or established by the board of county
1 commissioners;
2 (6) Deputy means an individual who serves as the first assistant to
3 and at the pleasure of an elected official;
4 (7) Elected official means an officer elected by the popular vote of
5 the people and known as the county attorney, public defender, county
6 sheriff, county treasurer, clerk of the district court, register of
7 deeds, county clerk, county assessor, and county surveyor;
8 (8) Internal Revenue Code means the Internal Revenue Code as defined
9 in section 49-801.01;
10 (9) Political subdivision means a village, city of the second class,
11 city of the first class, city of the primary class, city of the
12 metropolitan class, county, school district, public power district, or
13 any other unit of local government including entities created pursuant to
14 the Interlocal Cooperation Act or the Joint Public Agency Act. Political
15 subdivision does not include a contractor with the county;
16 (10) State means the State of Nebraska;
17 (11) Straight-time rate of pay means the rate of pay in effect on
18 the date of transfer of employees stated in the resolution by the county
19 board requesting the transfer; and
20 (12) Transferred employee means an employee of the state or a
21 political subdivision transferred to the county pursuant to a request for
22 such transfer made by the county under section 23-2518.01.
23 Sec. 3. Section 23-2520, Reissue Revised Statutes of Nebraska, is
24 amended to read:
25 23-2520 There is hereby created a personnel office in the office of
26 the board of county commissioners, the executive head of which shall be
27 the county personnel officer. In such office there shall be a personnel
28 policy board with consisting of six members appointed pursuant to section
29 23-2521 and with powers and duties provided in the County Civil Service
30 Act. The board of county commissioners shall make appropriations from the
31 general fund to meet the estimated costs of administering the act.
1 Sec. 4. Section 23-2521, Reissue Revised Statutes of Nebraska, is

2 amended to read:

3 23-2521 (1) The members of the personnel policy board shall be
4 persons in sympathy with the application of merit principles to public
5 employment and who are not otherwise employed by the county, except that
6 the member employed by the county if serving on such board on May 6,
7 1987, shall continue to serve until the term of such member expires. No
8 member shall hold during his or her term, or shall have held for a period
9 of one year prior thereto, any political office or a position as officer
10 or employee of a political organization.

11 ~~(2)(a) Prior to January 1, 2018, two (2) Two~~ members of the board
12 shall be appointed by the board of county commissioners, two members
13 shall be appointed by the elected department heads, and two members shall
14 be appointed by classified employees who are covered by the county
15 personnel system.

16 (b) Beginning January 1, 2018, a new personnel policy board shall be
17 appointed pursuant to this subdivision to replace the board appointed
18 pursuant to subdivision (a) of this subsection. One member shall be
19 appointed by the board of county commissioners, one member shall be
20 appointed by the elected department heads, and two members shall be
21 appointed by classified employees who are covered by the county personnel
22 system. The four members shall select a fifth member for the personnel
23 policy board. The initial selection of the fifth member for a term
24 beginning on January 1, 2018, shall be made on or before March 1, 2018.

25 ~~(3)(a) This subdivision applies until January 1, 2018. (3)~~ The first
26 appointments made to the personnel policy board shall be for one, two,
27 three, four, and five years. The board of county commissioners shall
28 initially appoint members for terms of one and five years. The elected
29 department heads shall initially appoint members for terms of two and
30 four years. The classified employees who are covered by the county
31 personnel system shall initially appoint a member for a term of three
1 years. Within three months after May 6, 1987, the classified employees
2 who are covered by the county personnel system shall initially appoint
3 another member for a term of one year.

4 (b) This subdivision applies beginning January 1, 2018. The member
5 appointed for a term beginning on January 1, 2018, by the board of county
6 commissioners shall serve for a term of one year. The member appointed
7 for a term beginning on January 1, 2018, by the elected department heads
8 shall serve for a term of five years. The members appointed for a term
9 beginning on January 1, 2018, by the classified employees who are covered
10 by the county personnel system shall serve for terms of two years and
11 four years as designated by the appointment process. The fifth member
12 appointed for a term beginning on January 1, 2018, by the other four
13 members shall serve a term of three years.

14 (c) Thereafter, each member shall be appointed in the same manner
15 for a term of five years, except that any person appointed to fill a
16 vacancy occurring prior to the expiration of a term shall be appointed in
17 the same manner for the remainder of the term. Each member of the board
18 shall hold office until his or her successor is appointed and qualified.

19 (4) The board of county commissioners and elected department heads

20 may remove any member of the personnel policy board for neglect of duty
 21 or misconduct in office after first giving him or her a copy of the
 22 reasons for removal and providing for the member to be heard publicly
 23 before the commissioners and elected department heads. A copy of the
 24 charges and a transcript of the record of the hearing shall be filed with
 25 the county clerk.

26 (5) The personnel policy board shall elect a chairperson from among
 27 its members. The board shall meet at such time and place as shall be
 28 specified by call of the chairperson or the county personnel officer. At
 29 least one meeting shall be held quarterly. For the personnel policy board
 30 appointed prior to January 1, 2018, pursuant to subdivision (2)(a) of
 31 this section, four ~~Four~~ members shall constitute a quorum for the
 1 transaction of business. For the personnel policy board appointed on and
 2 after January 1, 2018, pursuant to subdivision (2)(b) of this section,
 3 three members shall constitute a quorum for the transaction of business,
 4 except that no business shall be transacted unless one of the members
 5 appointed by the board of county commissioners or the elected department
 6 heads and one of the members appointed by the classified employees who
 7 are covered by the county personnel system are present at the meeting.
 8 Board members shall serve without compensation.

9 Sec. 5. Original sections 23-2520 and 23-2521, Reissue Revised
 10 Statutes of Nebraska, and sections 23-2503 and 23-2518, Revised Statutes
 11 Cumulative Supplement, 2016, are repealed.

12 2. On page 1, strike beginning with "civil" in line 1 through line 5
 13 and insert "government; to amend sections 23-2520 and 23-2521, Reissue
 14 Revised Statutes of Nebraska, and sections 23-2503 and 23-2518, Revised
 15 Statutes Cumulative Supplement, 2016; to change the population threshold
 16 for the applicability of certain county civil service systems; to change
 17 provisions relating to personnel policy boards of boards of county
 18 commissioners; to harmonize provisions; and to repeal the original
 19 sections."

LEGISLATIVE BILL 382. Placed on Select File.

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 451. Senator Murante offered the following
 amendment to the committee amendment:

AM1192

(Amendments to Standing Committee amendments, AM1137)

- 1 1. Strike amendment 2 and insert the following new amendment:
- 2 2. On page 2, reinstate the stricken matter beginning with "or" in
- 3 line 10 through the first "office" in line 11.

SENATOR LINDSTROM PRESIDING

The Murante amendment was adopted with 30 ayes, 0 nays, 17 present and
 not voting, and 2 excused and not voting.

Committee AM1137, found on page 1126 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 300. ER52, found on page 973, was adopted.

Senator Krist offered his amendment, AM946, found on page 954.

The Krist amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 253. ER59, found on page 1079, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 223. ER62, found on page 1089, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 259. ER66, found on page 1135, was adopted.

Senator Hansen withdrew his amendment, AM1106, found on page 1102.

Senator Hansen offered the following amendment:

AM1186

(Amendments to Standing Committee amendments, AM933)

- 1 1. On page 12, line 1, strike "2018" and insert "2019".
- 2 2. On page 15, line 20, strike "revoked" and insert "suspended".
- 3 3. On page 16, line 27; and page 17, line 13 after "citation" insert
- 4 "and shall notify the director".
- 5 4. On page 18, strike beginning with "discharging" in line 11
- 6 through "citation" in line 12; in line 13 after "section" insert
- 7 "discharging the resident of the obligation to pay such citation and
- 8 shall notify the director"; and in line 26 strike "postmark".
- 9 5. On page 19, line 2, strike "postmark".
- 10 6. On page 20, line 5, strike "2018" and insert "2019".

The Hansen amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 268. ER67, found on page 1136, was adopted.

Senator Kuehn offered the following amendment:

AM1191

1 1. On page 35, lines 1 through 16, strike the new matter.

Senator Kuehn withdrew his amendment.

SENATOR KRIST PRESIDING

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 268A. Advanced to Enrollment and Review for Engrossment.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Bessmer, Joel - State Board Health - Health and Human Services
Klammer, Kyle - Nebraska Rural Health Advisory Commission - Health and Human Services

(Signed) Dan Watermeier, Chairperson
Executive Board

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB589.

VISITORS

Visitors to the Chamber were 21 fourth-grade students from Plainview Elementary; Senator Clements' wife, Peggy, from Elmwood, and daughter and granddaughters, Sarah, Eleanor, and Jocelyn Mayo, from Lincoln; 13 fourth-grade students and sponsors from Emmanuel Faith Lutheran School, York; and 44 fourth-grade students from Mockingbird Elementary, Omaha.

RECESS

At 12:05 p.m., on a motion by Senator Ebke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

ROLL CALL

The roll was called and all members were present except Senators Baker, Brewer, Howard, Kuehn, Morfeld, and Watermeier who were excused until they arrive.

AMENDMENT(S) - Print in Journal

Senator Hansen filed the following amendment to LB519:
AM1187

1 1. On page 6, line 1, strike "(7) If", show as stricken, and insert
2 "(7)(a) For benefit years beginning before September 3, 2017, if"; and
3 insert the following new subdivision after line 9:
4 "(b) For benefit years beginning on or after September 3, 2017, if
5 an individual's base period wage credits represent part-time employment
6 for an employer and the employer continues to employ the individual to
7 the same extent as during the base period, then the employer's experience
8 account, in the case of a contributory employer, or the employer's
9 reimbursement account, in the case of a reimbursable employer, shall not
10 be charged if the employer has filed timely notice of the facts on which
11 such exemption is claimed in accordance with rules and regulations
12 prescribed by the commissioner."

Senator Scheer filed the following amendment to LB63:
AM1185

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-2704.10, Revised Statutes Cumulative
4 Supplement, 2016, is amended to read:
5 77-2704.10 Sales and use taxes shall not be imposed on the gross
6 receipts from the sale, lease, or rental of and the storage, use, or
7 other consumption in this state of:
8 (1) Prepared food and food and food ingredients served by public or
9 private schools, school districts, student organizations, or parent-
10 teacher associations pursuant to an agreement with the proper school
11 authorities, in an elementary or secondary school or at any institution
12 of higher education, public or private, during the regular school day or
13 at an approved function of any such school or institution. This exemption
14 does not apply to sales by an institution of higher education at any
15 facility or function which is open to the general public;
16 (2) Prepared food and food and food ingredients sold by a church at
17 a function of such church;
18 (3) Prepared food and food and food ingredients served to patients
19 and inmates of hospitals and other institutions licensed by the state for
20 the care of human beings;

21 (4) ~~Fees and admissions charged for Prepared food and food and food~~
 22 ~~ingredients sold at a political events event~~ by ballot question
 23 committees, candidate committees, independent committees, and political
 24 party committees as defined in the Nebraska Political Accountability and
 25 Disclosure Act ~~or fees and admissions charged for such political event~~;
 26 (5) Prepared food and food and food ingredients sold to the elderly,
 27 handicapped, or recipients of Supplemental Security Income by an
 1 organization that actually accepts electronic benefits transfer under
 2 regulations issued by the United States Department of Agriculture
 3 although it is not necessary for the purchaser to use electronic benefits
 4 transfer to pay for the prepared food and food and food ingredients;
 5 (6) Fees and admissions charged by a public or private elementary or
 6 secondary school and fees and admissions charged by a school district,
 7 student organization, or parent-teacher association, pursuant to an
 8 agreement with the proper school authorities, in a public or private
 9 elementary or secondary school during the regular school day or at an
 10 approved function of any such school;
 11 (7) Fees and admissions charged for participants in any activity
 12 provided by a nonprofit organization that is exempt from income tax under
 13 section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which
 14 organization conducts statewide sport events with multiple sports for
 15 both adults and youth; and
 16 (8) Fees and admissions charged for participants in any activity
 17 provided by a nonprofit organization that is exempt from income tax under
 18 section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which
 19 organization is affiliated with a national organization, primarily
 20 dedicated to youth development and healthy living, and offers sports
 21 instruction and sports leagues or sports events in multiple sports.
 22 Sec. 2. This act becomes operative on October 1, 2017.
 23 Sec. 3. Original section 77-2704.10, Revised Statutes Cumulative
 24 Supplement, 2016, is repealed.

Senator Riepe filed the following amendment to LB333:
 AM1195

(Amendments to Standing Committee amendments, AM1022)

1 1. On page 8, line 10, strike "Division of" and insert "department";
 2 and in line 11 strike "Developmental Disabilities" and show as stricken.

Senator Riepe filed the following amendment to LB333:
 AM1194

1 1. On page 2, line 13, after the second "the" insert "federal".

GENERAL FILE

LEGISLATIVE BILL 328. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 329. Title read. Considered.

Committee AM592, found on page 1121, was offered.

Senator Chambers offered the following motion:

MO101

Bracket until June 2, 2017.

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 5 nays, and 29 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 45:

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

Present and not voting, 2:

Chambers Wayne

Excused and not voting, 2:

Baker Lindstrom

The Chambers motion to bracket failed with 0 ayes, 45 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO102

Reconsider the vote taken to bracket.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

The committee amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 330. Title read. Considered.

Committee AM593, found on page 1121, was adopted with 37 ayes, 0 nays, 10 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.

BILL ON FIRST READING

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

LEGISLATIVE BILL 351A. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 351, One Hundred Fifth Legislature, First Session, 2017.

MESSAGE(S) FROM THE GOVERNOR

April 25, 2017

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 88e, 340e, and 639 were received in my office on April 24, 2017.

These bills were signed and delivered to the Secretary of State on April 25, 2017.

Sincerely,
(Signed) Pete Ricketts
Governor

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB461:

AM1188

(Amendments to Standing Committee amendments, AM954)

- 1 1. On page 24, line 12, strike "one-half" and insert "fifty-one
- 2 hundredths".
- 3 2. On page 25, after line 14 insert:

4 "(6) Beginning in November 2019, if the expected rate of growth in
5 net General Fund receipts, as determined under subsection (3) of this
6 section, exceeds four and fifty-one hundredths percent for the upcoming
7 fiscal year, the Tax Rate Review Committee shall declare a property tax
8 credit increase for the next property tax year. If the Tax Rate Review
9 Committee declares a property tax credit increase, the State Treasurer
10 shall transfer twenty million dollars from the General Fund to the
11 Property Tax Credit Cash Fund on or before the second March 15 following
12 the declaration, as directed by the budget administrator of the budget
13 division of the Department of Administrative Services.".

Senator Smith filed the following amendment to LB461:
AM1189

(Amendments to Final Reading copy)

1 1. Strike section 20 and insert the following new section:
2 Sec. 20. 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. The purpose of this subdivision is to insure that there shall be
16 maintained in the state treasury an adequate General Fund balance,
17 considering cash flow, to meet the appropriations and express obligations
18 of the state.
19 (c) For purposes of this section, express obligation shall mean an
20 obligation which has fiscal impact identifiable by a sum certain or by an
21 established percentage or other determinative factor or factors.
22 (2) The Speaker of the Legislature and the chairpersons of the
23 Legislature's Executive Board, Revenue Committee, and Appropriations
24 Committee shall constitute a committee to be known as the Tax Rate Review
25 Committee. The Tax Rate Review Committee shall meet with the Tax
26 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 (3) Beginning in November 2019 and each November thereafter until
20 the step 8 income tax rate reduction provided for in section 77-2715.03
21 is effective, the Tax Rate Review Committee shall examine the expected
22 rate of growth in net General Fund receipts from the current fiscal year
23 to the upcoming fiscal year, as determined by the Nebraska Economic
24 Forecasting Advisory Board in its October forecast. If the expected rate
25 of growth in net General Fund receipts is not at least three and fifty-
26 two hundredths percent for the upcoming fiscal year, the Tax Rate Review
27 Committee shall declare that the next income tax rate reduction step
28 under section 77-2715.03 that was to begin for taxable years beginning or
29 deemed to begin on or after the following January 1 will be deferred.
30 When the Tax Rate Review Committee defers an income tax rate reduction
31 step, the highest individual income tax rate established in section
1 77-2715.03 that was effective for the current year will remain in place.
2 If the Tax Rate Review Committee defers an income tax rate reduction
3 step, the Tax Commissioner shall prepare tax tables as required in
4 section 77-2715.03 and withholding tables as required in section 77-2753
5 reflecting no change in rates from the preceding tax year.

6 (4) Beginning in November 2019, if the expected rate of growth in
7 net General Fund receipts, as determined under subsection (3) of this
8 section, exceeds four percent for the upcoming fiscal year, the Tax Rate
9 Review Committee shall declare that the corporate income tax rate under
10 subdivision (1)(d) of section 77-2734.02 for income in excess of one
11 hundred thousand dollars shall be reduced by two-tenths of one percent
12 for taxable years beginning or deemed to begin on or after the following
13 January 1, except that such rate shall not be reduced below 5.99 percent
14 under this subsection.

15 (5) If the Tax Rate Review Committee defers an income tax rate
16 reduction step under subsection (3) of this section, the Tax Commissioner
17 and the Legislative Fiscal Analyst shall adjust the forecast provided by
18 the Nebraska Economic Forecasting Advisory Board to reflect the deferral
19 and certify the adjusted forecast to the Governor and the Legislature no
20 later than five days following the meeting of the Tax Rate Review
21 Committee. If the Tax Rate Review Committee declares a corporate income
22 tax rate reduction under subsection (4) of this section, the Tax
23 Commissioner and the Legislative Fiscal Analyst shall adjust the forecast
24 provided by the Nebraska Economic Forecasting Advisory Board to reflect
25 the reduction and certify the adjusted forecast to the Governor and the
26 Legislature no later than five days following the meeting of the Tax Rate
27 Review Committee.

28 (6) Beginning in November 2019, if the expected rate of growth in
 29 net General Fund receipts, as determined under subsection (3) of this
 30 section, exceeds four and fifty-two hundredths percent for the upcoming
 31 fiscal year, the Tax Rate Review Committee shall declare a property tax
 1 credit increase for the next property tax year. If the Tax Rate Review
 2 Committee declares a property tax credit increase, the State Treasurer
 3 shall transfer twenty million dollars from the General Fund to the
 4 Property Tax Credit Cash Fund on or before the second March 15 following
 5 the declaration, as directed by the budget administrator of the budget
 6 division of the Department of Administrative Services.

GENERAL FILE

LEGISLATIVE BILL 149. Title read. Considered.

Committee AM962, found on page 1122, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 327. Title read. Considered.

Committee AM590, found on page 1122, was offered.

SENATOR KRIST PRESIDING

Senator Friesen offered his amendment, AM1155, found on page 1196, to the committee amendment.

Pending.

AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LB327:
 AM1198

(Amendments to Standing Committee amendments, AM590)

- 1 1. On page 54, lines 24 and 25 strike "up to".
- 2 2. On page 55, strike lines 7 through 13.

Senator Krist filed the following amendment to LB333:
 AM1197

(Amendments to Standing Committee amendments, AM1022)

- 1 1. Strike section 1.
- 2 2. Renumber the remaining sections, correct internal references, and
- 3 amend the repealer accordingly.

Senator Kuehn filed the following amendment to LB331:

AM1205

(Amendments to Standing Committee amendments, AM594)

- 1 1. Strike section 26.
- 2 2. On page 61, line 7, strike "54-197,".
- 3 3. Renumber the remaining sections accordingly.

MOTION(S) - Print in Journal

Senator Linehan filed the following motion to LB651:

MO103

Place on General File pursuant to Rule 3, Section 20(b).

VISITORS

Visitors to the Chamber were 100 fourth-grade students from Standing Bear Elementary, Omaha; and 16 fourth-grade students from Allen Consolidated.

The Doctor of the Day was Dr. Tara Burleigh from Iowa.

ADJOURNMENT

At 5:02 p.m., on a motion by Senator Briese, the Legislature adjourned until 9:00 a.m., Wednesday, April 26, 2017.

Patrick J. O'Donnell
Clerk of the Legislature

