

**FIRST DAY - JANUARY 4, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
 Wednesday, January 4, 2017

**PRAYER**

The prayer was offered by Senator Kolterman.

**ROLL CALL**

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Fifth Legislature, First Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 4, 2017, and was called to order by President Foley.

The roll was called and the following members were present:

Albrecht, Joni	Hansen, Matt	McDonnell, Mike
Baker, Roy	Harr, Burke J.	Morfeld, Adam
Blood, Carol	Hilgers, Mike	Murante, John
Bolz, Kate	Hilkemann, Robert	Pansing Brooks, Patty
Bostelman, Bruce	Howard, Sara	Quick, Dan
Brasch, Lydia	Hughes, Dan	Riepe, Merv
Brewer, Tom	Kintner, Bill	Scheer, Jim
Briese, Tom	Kolowski, Rick	Schumacher, Paul
Chambers, Ernie	Kolterman, Mark A.	Smith, Jim
Craighead, Joni	Krist, Bob	Stinner, John P.
Crawford, Sue	Kuehn, John L.	Vargas, Tony
Ebke, Laura	Larson, Tyson	Walz, Lynne
Erdman, Steve	Lindstrom, Brett	Watermeier, Dan
Friesen, Curt	Linehan, Lou Ann	Wayne, Justin
Geist, Suzanne	Lowe, John S.	Williams, Matt
Groene, Mike	McCollister, John S.	Wishart, Anna
Halloran, Steve		

**MOTION - Temporary Clerk and Sergeant at Arms**

Senator Harr moved to appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Mr. Ron Witkowski as temporary Sergeant at Arms.

The motion prevailed.

**MOTION - Committee on Credentials**

Senator Brasch moved that we proceed to the election of five persons to serve as the Committee on Credentials, who will forthwith report to the Legislature on the credentials of those claiming to be elected to the Legislature in the General Election in November 2016.

The motion prevailed.

Senator Hughes moved to elect the following five members of the Legislature to serve on the Committee on Credentials: Senators Harr, Krist, Schumacher, Smith, and Watermeier.

The motion prevailed.

**REPORT OF COMMITTEE ON CREDENTIALS**

State of Nebraska

United States of America, ) ss.  
State of Nebraska )

Secretary of State  
State Capitol  
Lincoln, Nebraska

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the One Hundred Fifth Legislature, First Session, 2017.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundred Fifth Legislature, First Session, 2017.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 4, 2017.

(SEAL)

(Signed) John A. Gale  
Secretary of State

DISTRICT/NAME	ELECTED
1 Dan Watermeier	November 8, 2016
2 Bill Kintner	November 4, 2014
3 Carol Blood	November 8, 2016
4 Robert Hilkemann	November 4, 2014
5 Mike McDonnell	November 8, 2016
6 Joni Craighead	November 4, 2014
7 Tony Vargas	November 8, 2016
8 Burke J. Harr	November 4, 2014
9 Sara Howard	November 8, 2016
10 Bob Krist	November 4, 2014
11 Ernie Chambers	November 8, 2016
12 Merv Riepe	November 4, 2014
13 Justin Wayne	November 8, 2016
14 Jim Smith	November 4, 2014
15 Lynne M. Walz	November 8, 2016
16 Lydia Brasch	November 4, 2014
17 Joni Albrecht	November 8, 2016
18 Brett Lindstrom	November 4, 2014
19 Jim Scheer	November 8, 2016
20 John S. McCollister	November 4, 2014
21 Mike Hilgers	November 8, 2016
22 Paul Schumacher	November 4, 2014
23 Bruce Bostelman	November 8, 2016
24 Mark A. Kolterman	November 4, 2014
25 Suzanne Geist	November 8, 2016
26 Matt Hansen	November 4, 2014
27 Anna Wishart	November 8, 2016
28 Patty Pansing Brooks	November 4, 2014
29 Kate Bolz	November 8, 2016
30 Roy Baker	November 4, 2014
31 Rick Kolowski	November 8, 2016
32 Laura Ebke	November 4, 2014
33 Steve Halloran	November 8, 2016
34 Curt Friesen	November 4, 2014
35 Dan Quick	November 8, 2016
36 Matt Williams	November 4, 2014
37 John S. Lowe Sr.	November 8, 2016
38 John L. Kuehn	November 4, 2014
39 Lou Ann Linehan	November 8, 2016
40 Tyson Larson	November 4, 2014
41 Tom Briese	November 8, 2016
42 Michael Groene	November 4, 2014
43 Tom Brewer	November 8, 2016
44 Dan Hughes	November 4, 2014
45 Sue Crawford	November 8, 2016
46 Adam Morfeld	November 4, 2014
47 Steve Erdman	November 8, 2016
48 John P. Stinner Sr.	November 4, 2014
49 John Murante	November 8, 2016

**MOTION - Credentials Committee Report**

Senator Smith moved to approve the attached report as certified and presented by the Secretary of State, and furthermore, the committee takes notice of statutory Section 32-1111, R.R.S., which states in part that when an election is contested, the person holding the certificate of election shall exercise the duties of office until the election contest is decided.

The motion prevailed.

**NOTICE OF ELECTION CONTEST**

Nebraska Unicameral Legislature

<u>John Sciara, candidate</u>	)	
Plaintiff	)	
	)	Patrick J. O'Donnell, Clerk
vs	)	Clerk of the Legislature
<u>Ernest W. Chambers, candidate</u>	)	
Defendant	)	

Petition of Qualifications Challenge

- I. Pursuant to Nebraska Legislature Rule book, rule 10, sec 3, qualification challenges may be brought only by an unsuccessful candidate. Qualification challenges must be brought within forty days following the General Election.
- II. Pursuant to the Nebraska State Constitution, Article III, sec 8, qualification for the office of member of the Legislature require that the candidate has resided within the district from which he is elected for the term of one year next before his election.
- III. Pursuant to the Nebraska State Constitution, Article III, sec 10, the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members.
- IV. Pursuant to rule 10, sec 3, a qualifications challenge shall be brought by filing a petition of qualifications challenge with the Clerk, and by serving a copy of the petition on the purported winner.
- V. Pursuant to rule 10, sec 1, each election contest and qualifications challenge filed with the Clerk shall be referred by the Clerk to the Reference Committee, who in turn shall refer the matter to a specially created committee to consider such contest or challenge. The committee shall consist of an odd number of members, shall have a minimum of five members and shall consist of members appointed by the Executive Board. The chairperson of such committee shall be appointed by the Executive Board.

VI. Pursuant to rule 10, sec 4, election contests and qualifications challenges shall be heard and determined as expeditiously as possible under adversary procedures wherein each party to the proceedings has a reasonable opportunity to present his claim, any defense and arguments, and to respond to those of his opponents. All parties may be represented by counsel.

Election contests and qualifications challenges shall be heard and determined in accordance with the applicable provisions of the Nebraska statutes, the Nebraska Constitution, and the United States Constitution. Judicial decisions which bear on a point of law in a contest or challenge shall be admissible in the arguments of the parties and the deliberations and decisions of the committee. Judicial decisions applicable to a point of law or to a fact situation to the committee shall be given weight as precedent.

VII. It is my belief that through the conversations with numerous people, that Senator Chambers, while having a residence in North Omaha, actually domiciles in Bellevue, making him ineligible under the Nebraska Constitution for failing to meet the requirement to reside in the district for one year prior to election date.

As the unsuccessful candidate that meets all of the requirements under the Nebraska Constitution, I request that the Clerk of the Legislature meet his obligations under the Rules of the Legislature to have the reference committee establish a committee to determine the validity of my eligibility challenge in a expedited manner before the start of the new session of the Legislature.

(Signed) John Sciara  
4038 Seward St  
Omaha NE 68111  
402 378-2102

Nebraska Unicameral Legislature

John Sciara,	)	
Plaintiff	)	
	)	
vs.	)	<b>AFFIDAVIT OF SERVICE</b>
	)	
Ernie Chambers	)	
Defendant	)	

State of Nebraska

County of Douglas

John Sciara, being first duly sworn on oath, disposes and states that on

November 15th, 2016 he did deliver in person one copy of Plaintiff's petition for qualification challenge to Senator Chambers office with the State Capitol.

(Signed) John Sciara

Subscribed and Sworn to before me this 15th day of November, 2016

(Signed) Kathy Briden  
Notary Public

**MOTION - Escort Chief Justice**

Senator Morfeld moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the members of the Legislature.

The motion prevailed.

The Chair appointed Senators Ebke, Kolterman, Riepe, Pansing Brooks, and Harr to serve on said committee.

**MEMBERS' OATH OF OFFICE**

STATE OF NEBRASKA )  
                                  ) ss.  
LANCASTER COUNTY )

Do you and each of you solemnly swear (or affirm) that you will support the constitution of the United States, and the constitution of the State of Nebraska, and will faithfully discharge the duties of members of the Legislature according to the best of your ability, and that at the election at which you were chosen to fill said office, you have not improperly influenced in any way the vote of any elector, and have not accepted, nor will you accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote you may give or withhold on any bill, resolution, or appropriation).

- |                  |                  |                 |
|------------------|------------------|-----------------|
| Albrecht, Joni   | Geist, Suzanne   | Quick, Dan      |
| Blood, Carol     | Halloran, Steve  | Scheer, Jim     |
| Bolz, Kate       | Hilgers, Mike    | Vargas, Tony    |
| Bostelman, Bruce | Howard, Sara     | Walz, Lynne M.  |
| Brewer, Tom      | Kolowski, Rick   | Watermeier, Dan |
| Briese, Tom      | Linehan, Lou Ann | Wayne, Justin   |
| Chambers, Ernie  | Lowe, John S.    | Wishart, Anna   |
| Crawford, Sue    | McDonnell, Mike  |                 |
| Erdman, Steve    | Murante, John    |                 |

The committee escorted the Chief Justice from the Chamber.

**MOTION - Adopt Temporary Rules**

Senator Schumacher moved that the rules, as now in our possession, be adopted for today only, Wednesday, January 4, 2017.

Senator Kuehn requested a roll call vote on the adoption of the temporary rules.

The motion to adopt temporary rules prevailed with 45 ayes, 4 nays, and 0 not voting.

**MOTION - Election of Officers**

Senator Krist moved that the following officers, recommended by the Executive Board, be elected to serve for the One Hundred Fifth Legislature:

Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard K. Brown
Sergeant at Arms	Ron Witkowski

The motion prevailed.

**MOTION - Election of Speaker**

Senator Watermeier moved to proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Senator Williams placed his name in nomination.

Senator Scheer placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Schumacher, Bolz, and Hughes as tellers.

Senator Williams	22
Senator Scheer	<u>27</u>
	49

Senator Scheer was duly elected Speaker of the Legislature.

**EASE**

The Legislature was at ease from 10:55 a.m. until 11:10 a.m.





**MOTION - Committee on Committees Members**

Senator Craighead moved to proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the three districts, as enumerated in Rule 3, Sec. 2, to nominate four members to be elected by the legislative body to serve on the Committee on Committees.

The motion prevailed.

Senators Schumacher, Kolterman, Morfeld, and Pansing Brooks were nominated from District 1.

Senators Smith, Harr, Howard, and Hilkemann were nominated from District 2.

Senators Groene, Erdman, Friesen, and Kuehn were nominated from District 3.

Senator Craighead moved the approval of the nominees to the Committee on Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

**MOTION - Chairperson of Executive Board**

Senator Chambers moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Watermeier placed his name in nomination.

Senator Krist placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Albrecht, Crawford, and Friesen as tellers.

Senator Watermeier 28  
Senator Krist 21  
49

Senator Watermeier was duly elected Chairperson of the Executive Board.

**MOTION - Vice Chairperson of Executive Board**

Senator Hilkemann moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Hughes nominated Senator Kuehn.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Kuehn.

The motion prevailed.

Senator Kuehn was duly elected Vice Chairperson of the Executive Board.

**MOTION - Executive Board Members**

Senator Williams moved to proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Senators Bolz and Crawford were nominated from District 1.

Senators Chambers and McCollister were nominated from District 2.

Senators Larson and Hughes were nominated from District 3.

Senator Williams moved the approval of the nominees to the Executive Board of the Legislative Council.

The motion prevailed.

The Chair declared the nominees duly elected.

**MOTION - Standing Committee Chairpersons**

Senator Ebke moved to proceed to the election of the standing committee chairpersons, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

**CHAIRPERSON - Agriculture**

Senator Brasch placed her name in nomination.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Brasch.

The motion prevailed.

Senator Brasch was duly elected Chairperson of the Agriculture Committee.

CHAIRPERSON - Appropriations

Senator Stinner placed his name in nomination.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Stinner.

The motion prevailed.

Senator Stinner was duly elected Chairperson of the Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Senator Lindstrom placed his name in nomination.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Lindstrom.

The motion prevailed.

Senator Lindstrom was duly elected Chairperson of the Banking, Commerce and Insurance Committee.

CHAIRPERSON - Business and Labor

Senator Harr placed his name in nomination.

Senator Albrecht placed her name in nomination.

Senator Harr moved for a call of the house. The motion prevailed with 48 ayes, 0 nays, and 1 not voting.

The Chair declared the nominations closed.

The Chair appointed Senators Kuehn, McCollister, and Morfeld as tellers.

Senator Harr	23
Senator Albrecht	<u>26</u>
	49

Senator Albrecht was duly elected Chairperson of the Business and Labor Committee.

The Chair declared the call raised.

CHAIRPERSON - Education

Senator Baker placed his name in nomination.

Senator Groene placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Walz, Brasch, and Wayne as tellers.

Senator Baker	21
Senator Groene	<u>28</u>
	49

Senator Groene was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Senator McCollister placed his name in nomination.

Senator Larson placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Kolowski, Ebke, and Halloran as tellers.

Senator McCollister	18
Senator Larson	<u>31</u>
	49

Senator Larson was duly elected Chairperson of the General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Senator Murante placed his name in nomination.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Murante.

The motion prevailed.

Senator Murante was duly elected Chairperson of the Government, Military and Veterans Affairs Committee.

CHAIRPERSON - Health and Human Services

Senator Riepe placed his name in nomination.

Senator Howard placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Briese, McDonnell, and Hilgers as tellers.

Senator Riepe	27
Senator Howard	<u>22</u>
	49

Senator Riepe was duly elected Chairperson of the Health and Human Services Committee.

CHAIRPERSON - Judiciary

Senator Ebke placed her name in nomination.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Ebke.

The motion prevailed.

Senator Ebke was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Natural Resources

Senator Kolowski placed his name in nomination.

Senator Hughes placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Linehan, Quick, and Vargas as tellers.

Senator Kolowski	19
Senator Hughes	<u>30</u>
	49

Senator Hughes was duly elected Chairperson of the Natural Resources Committee.

CHAIRPERSON - Nebraska Retirement Systems

Senator Kolterman placed his name in nomination.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Kolterman.

The motion prevailed.

Senator Kolterman was duly elected Chairperson of the Nebraska Retirement Systems Committee.

CHAIRPERSON - Revenue

Senator Smith placed his name in nomination.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Smith.

The motion prevailed.

Senator Smith was duly elected Chairperson of the Revenue Committee.

CHAIRPERSON - Transportation and Telecommunications

Senator Friesen placed his name in nomination.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Friesen.

The motion prevailed.

Senator Friesen was duly elected Chairperson of the Transportation and Telecommunications Committee.

CHAIRPERSON - Urban Affairs

Senator Crawford placed her name in nomination.

Senator Wayne placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Blood, Wishart, and Hilkemann as tellers.

Senator Crawford	19
Senator Wayne	<u>30</u>
	49

Senator Wayne was duly elected Chairperson of the Urban Affairs Committee.

**MOTION - Special and Select Committee Chairpersons**

Senator Lindstrom moved to proceed to the election of the special and select committee chairpersons, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

CHAIRPERSON - Rules

Senator Hansen placed his name in nomination.

Senator Hilgers placed his name in nomination.

Senator Kuehn requested, pursuant to Article III, Section 11, that the vote for Chairperson of the Rules Committee be taken viva voce and entered into the Journal.

Senator Morfeld raised a point of order on whether the Chair could rule on constitutional provisions.

The Chair ruled Senator Kuehn's request is in order.

Senator Morfeld challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Kintner requested a roll call vote on the motion to overrule the Chair.

The Morfeld motion to overrule the Chair prevailed with 29 ayes, 19 nays, and 1 excused and not voting.

The Chair was overruled.

The Chair declared the nominations closed.

The Chair appointed Senators Lowe, Erdman, and Bostelman as tellers.

Senator Hansen	20
Senator Hilgers	<u>28</u>
	48

Senator Hilgers was duly elected Chairperson of the Rules Committee.

CHAIRPERSON - Enrollment and Review

Senator Hansen nominated Senator Wishart.

Senator Hansen moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Wishart.

The motion prevailed.

Senator Wishart was duly elected Chairperson of the Enrollment and Review Committee.

#### **MOTION - Election Returns**

Senator Murante moved that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November 2016.

The motion prevailed.

The Chair appointed Senators Kolowski, Craighead, and Murante to serve on said committee.

The committee escorted Secretary of State, John A. Gale, to the rostrum where he delivered the following report.

#### **REPORT FROM THE SECRETARY OF STATE**

January 4, 2017

Speaker of the Legislature  
One Hundred Fifth Legislature, First Session 2017  
State Capitol  
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 8, 2016, for the offices of Members of the Public Service Commission, Regents of the University of Nebraska, Members of the State Board of Education, Chief Justice of the Supreme Court, Supreme Court Justices, Court of Appeals Judges and Nebraska Workers Compensation Judges which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-1039 R.S. Nebraska 1943, Reissue of 2016 as submitted to me for delivery to the Honorable Speaker of the Legislature.

I also deliver to you, under Seal, the list of candidates receiving the highest vote for each particular office enumerated. The certificate of the Secretary of State accompanies this list.

The original abstract sheets containing the tabulation of votes from the ninety-three counties with reference to a Referendum ordered by Petition of the People, Referendum Number 426 is on file in this office. A certification



of these returns is attached.

Inasmuch as these abstract sheets are part of the records of the Office of Secretary of State, we respectfully request that they be returned to our office files immediately upon the completion of your official canvass.

Respectfully submitted,  
(Signed) John A. Gale  
Secretary of State

**CERTIFICATE**

State of Nebraska

United States of America, ) ss. Secretary of State  
State of Nebraska ) State Capitol  
Lincoln, Nebraska

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct list of the candidates for the offices of Members of the Public Service Commission, Regents of the University of Nebraska, Members of the State Board of Education, Chief Justice of the Supreme Court, Supreme Court Justices, Court of Appeals Judges and Nebraska Workers Compensation Judges receiving the highest number of votes cast at the General Election in the State of Nebraska held on November 8, 2016.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 4, 2017.

(SEAL) (Signed) John A. Gale  
Secretary of State

- Public Service Commission, District 4 - Rod Johnson
- Public Service Commission, District 5 - Mary Ridder
- Board of Regents of the University of Nebraska, Dist 6 - Paul Kenney
- Board of Regents of the University of Nebraska, Dist 7 - Bob Phares
- State Board of Education - Dist 1 - Patricia A. Koch Johns
- State Board of Education - Dist 2 - Lisa Fricke
- State Board of Education - Dist 3 - Rachel Wise
- State Board of Education - Dist 4 - John Witzel
- Chief Justice of the Supreme Court - Michael G. Heavican
- Supreme Court Justice, District 3 - William B. Cassel
- Supreme Court Justice, District 6 - John F. Wright
- Court of Appeals Judge, District 1 - Riko E. Bishop
- Court of Appeals Judge, District 3 - Francie Riedmann Weis
- Court of Appeals Judge, District 5 - Everett O. Inbody
- Court of Appeals Judge, District 6 - Frankie J. Moore
- Nebraska Workers Compensation Judge - Daniel R. Fridrich
- Nebraska Workers Compensation Judge - James R. Coe
- Nebraska Workers Compensation Judge - John R. Hoffert

**CERTIFICATE**

State of Nebraska

United States of America, ) ss.  
 State of Nebraska )

Secretary of State  
 State Capitol  
 Lincoln, Nebraska

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct listing of the Referendum ordered by Petition of the People, Referendum Number 426, showing the number of votes cast at the General Election in the State of Nebraska held on November 8, 2016.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 4, 2017.

(SEAL)

(Signed) John A. Gale  
 Secretary of State

2016 General Election  
 Referendum Measure

Referendum ordered by Petition of the People Referendum No. 426:

Shall Legislative Bill 268 enacted by the First Session of the One Hundred Fourth Legislature, the purpose of which is to eliminate the death penalty and change the maximum penalty for the crime of murder in the first degree to life imprisonment.

Retain	320,719
Repeal	494,151

The Secretary of State was escorted from the Chamber.

Senator Crawford moved pursuant to Article IV, Section 4, to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

The motion prevailed.

**MOTION - Inaugural Ceremonies**

Senator Kolowski moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 5, 2017, at 1:30 p.m.

The motion prevailed.

**COMMUNICATION(S)**

January 4, 2017

Senator Dan Watermeier  
Executive Board Chairperson  
Room 2000, State Capitol Building  
Lincoln NE 68509

Dear Senator Watermeier,

On November 15, 2016, the attached Petition of Qualifications Challenge, contesting the results of the election of the 11th Legislative District, was filed with my office by Mr. John Sciara.

Pursuant to Rule 10, Section 1(d), I am forwarding this petition to you as Chair of the Reference Committee, in order that such matter may be referenced to a specially created committee appointed to consider such challenge.

If you have any questions please do not hesitate to contact my office.

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

**VISITOR(S)**

The Doctor of the Day was Dr. Josue D. Gutierrez from Lincoln.

**ADJOURNMENT**

At 3:10 p.m., on a motion by Speaker Scheer, the Legislature adjourned until 10:00 a.m., Thursday, January 5, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**SECOND DAY - JANUARY 5, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 5, 2017

**PRAYER**

The prayer was offered by Senator Bolz.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Watermeier who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the first day was approved.

**MOTION - Adopt Temporary Rules**

Senator Hilgers moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the twelfth legislative day.

The motion prevailed.

**COMMITTEE ON COMMITTEES PRELIMINARY REPORT**

Senator Craighead offered the following Committee on Committees report:

Agriculture (8)

Rm. 2102 - Tuesday

Brasch (C), Albrecht, Blood, Chambers, Halloran, Harr, Krist, Lowe

Appropriations (9)

Rm. 1524 - Monday & Tuesday

Rm. 1003 - Wednesday, Thursday, & Friday

Stinner (C), Bolz, Hilkemann, Kintner, Kuehn, McDonnell, Vargas, Watermeier, Wishart

Banking, Commerce and Insurance (8)

Rm. 1507 - Monday &amp; Tuesday

Lindstrom (C), Baker, Brewer, Craighead, Kolterman, McCollister, Schumacher, Williams

Business and Labor (7)

Rm. 2102 - Monday

Albrecht (C), Chambers, Crawford, Halloran, Hansen, Howard, Lowe

Education (8)

Rm. 1525 - Monday &amp; Tuesday

Groene (C), Ebke, Erdman, Kolowski, Linehan, Morfeld, Pansing Brooks, Walz

General Affairs (8)

Rm. 1510 - Monday

Larson (C), Blood, Brasch, Harr, Krist, Quick, Riepe, Wayne

Government, Military and Veterans Affairs (8)

Rm. 1507 - Wednesday, Thursday, &amp; Friday

Murante (C), Blood, Brewer, Briese, Craighead, Hilgers, Lowe, Wayne

Health and Human Services (7)

Rm. 1510 - Wednesday, Thursday, &amp; Friday

Riepe (C), Crawford, Erdman, Howard, Kolterman, Linehan, Williams

Judiciary (8)

Rm. 1113 - Wednesday, Thursday, &amp; Friday

Ebke (C), Baker, Chambers, Halloran, Hansen, Krist, Morfeld, Pansing Brooks

Natural Resources (8)

Rm. 1525 - Wednesday, Thursday, &amp; Friday

Hughes (C), Albrecht, Bostelman, Geist, Kolowski, McCollister, Quick, Walz

Nebraska Retirement Systems (6)

Rm. 1525 - At call of Chair

Kolterman (C), Bolz, Groene, Kolowski, Lindstrom, Stinner

Revenue (8)

Rm. 1524 - Wednesday, Thursday, &amp; Friday

Smith (C), Brasch, Friesen, Groene, Harr, Larson, Lindstrom, Schumacher

Transportation and Telecommunications (8)

Rm. 1113 - Monday &amp; Tuesday

Friesen (C), Bostelman, Briese, Geist, Hilgers, Hughes, Murante, Smith

Urban Affairs (7)

Rm. 1510 - Tuesday

Wayne (C), Crawford, Hansen, Howard, Larson, Quick, Riepe

Committee on Committees (13)

Craighead (C)

District 1:	District 2:	District 3:
Kolterman	Harr	Erdman
Morfeld	Hilkemann	Friesen
Pansing Brooks	Howard	Groene
Schumacher	Smith (VC)	Kuehn

Enrollment and Review (1)

Wishart (C)

Reference (9)

Watermeier (C), Kuehn (VC), Bolz, Chambers, Crawford, Hughes, Larson, McCollister, Scheer, Stinner (nonvoting ex officio)

Rules (6)

Hilgers (C), Harr, Krist, Kuehn, Schumacher, Scheer (ex officio)

Executive Board of the Legislative Council (9)

Watermeier (C), Kuehn (VC), Bolz, Chambers, Crawford, Hughes, Larson, McCollister, Scheer, Stinner (nonvoting ex officio)

**MESSAGES FROM THE GOVERNOR**

May 10, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the State Racing Commission:

Helen Abbott Feller, 1121 18 Street, Wisner, NE 68791

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

May 10, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Information Technology Commission:

Shane Greckel, 54172 887 Road, Bloomfield, NE 68718  
Daniel Spray, 1005 Woodcrest, Norfolk, NE 68701

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

August 1, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is appointed as the Chief Medical Officer and Director of the Department of Health and Human Services - Division of Public Health:

Thomas L. Williams, M.D., 17728 Harney Street, Omaha, NE 68118

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures



August 31, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Ethanol Board:

Randy Gard, 3927 Meadow Way Trail, Grand Island, NE 68803

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

August 31, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Coordinating Commission for Postsecondary Education:

Gwenn Aspen, 445 N. 61 Street, Omaha, NE 68132

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

August 31, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Crime Victim's Reparation Committee:

Joe P. Kelly, County Attorney's Office, 575 S. 10 Street, Lincoln, NE 68508  
Rita G. Sanders, City of Bellevue, 210 W. Mission Avenue, Bellevue, NE 68005  
Jeffrey Davis, Sarpy County Sheriff's Office, 8335 Platteview Road,  
Papillion, NE 68046

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

August 31, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Technical Advisory Committee on Statewide Assessment:

Chad W. Buckendahl, Ph.D., 2467 Cordoba Bluff Ct., Las Vegas, NV 89135

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

August 31, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Motor Vehicle Industry Licensing Board:

Dennis Schworer, 417 Ridgewood Drive, Bellevue, NE 68005  
Stephen Budke, 920 Dillon Circle, North Platte, NE 69101

Also, contingent upon your approval, the following individual is being reappointed to the Motor Vehicle Industry Licensing Board:

William Ashburn, 4608 Hawthorne Drive, Lincoln, NE 68516

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

December 9, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Child Abuse Prevention Fund Board:

Lisa Knoche, 3440 S. 39 Street, Unit B, Lincoln, NE 68506  
Mary Beth Hanus, 12619 Orchard Avenue, Omaha, NE 68104

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

December 9, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Personnel Board:

Mary Shanahan, 4930 South 72nd Street, Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

December 15, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Arts Council:

Stephen Bader, 14724 O Circle, Omaha, NE 68137

Also, contingent upon your approval, the following individuals are being reappointed to the Nebraska Arts Council:

Paula L. Pflueger, 11811 Koenigstein Avenue, Norfolk, NE 68701  
Reven Wright, 21 Red Fox Lane, Kearney, NE 68845  
Melissa Marvin, 15928 Lake Street, Omaha, NE 68116

Candy Henning, 6015 The Knolls, Lincoln, NE 68512

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

January 3, 2017

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Tourism Commission:

Mitch Glidden, 507 SW 1st Street, Mullen, NE 69152

Also, contingent upon your approval, the following individuals are being reappointed to the Nebraska Tourism Commission:

Roger Dixon, 16641 Howard Circle, Omaha, NE 68118  
Carol Schlegel, 37785 Road 721, Culberston, NE 69024  
Tony Moody, 7956 S. 171 Street, Omaha, NE 68136

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

January 3, 2017

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska State Fair Board:

Dennis Hoffman, 301 Main Street, Thedford, NE 69166

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

January 3, 2017

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Game and Parks Commission:

James Ernst, 11 Wildwood Drive, Columbus, NE 68601  
Henry Rick Brandt, 17851 South 12th Street, Roca, NE 68430

Also, contingent upon your approval, the following individual is being reappointed to the Game and Parks Commission:

Patrick Berggren, 1109 South 5th Avenue, Broken Bow, NE 68822

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

**ATTORNEY GENERAL'S OPINION**Opinion 16-010

TO: Senator Mike Groene  
Nebraska Legislature

FROM: Douglas J. Peterson, Attorney General  
L. Jay Bartel, Assistant Attorney General

RE: Propriety of the Use of Tax Increment Financing for the Acquisition, Planning and Preparation for Development of Undeveloped Vacant Land Under Neb. Rev. Stat. § 18-2123 (2012).

Neb. Rev. Stat. § 18-2123 (2012) provides, in part, that "[u]pon a determination, by resolution, of the governing body of the city in which such land is located, that the acquisition and development of undeveloped vacant land, not within a substandard or blighted area, is essential to the proper clearance or redevelopment of substandard or blighted areas or a necessary part of the general community redevelopment program of the city,..., the acquisition, planning, and preparation for development or disposal of such land shall constitute a redevelopment project which may be undertaken by the authority...." During the recent legislative session, you introduced LB 719, which proposes to amend § 18-2123 to provide that "[t]ax-increment financing as provided in section 18-2147 shall not be used for the acquisition, planning, and preparation for development or disposal of undeveloped vacant land as described in subsection (1) of [§ 18-2123], nor shall undeveloped vacant land be declared or designated blighted and substandard to qualify for the use of tax-increment financing." LB 719, § 1. You have requested our opinion as to whether tax increment financing may currently be used for the acquisition, planning, and preparation for development of undeveloped vacant land authorized under § 18-2123, and, if so, whether use of tax increment financing for this purpose is consistent with Neb. Const. art. VIII, § 12.

At the outset, we note it is our long-standing policy not to provide opinions to members of the Legislature on the interpretation or constitutionality of existing statutes. Op. Att'y Gen. No. 157 (Dec. 24, 1985). Accordingly, we normally would decline to provide an opinion on the question presented. As you have proposed legislation which could be impacted by our conclusion, we will proceed to respond to your question.

**A. Community Development and Tax Increment Financing ["TIF"]**

The Community Development Law, Neb. Rev. Stat. §§ 18-2101 to 18-2144 (2012 and Cum. Supp. 2014) ["CDL"] generally "authorizes a city to define and acquire substandard or blighted areas and redevelop them in

accordance with an approved redevelopment plan which in turn shall conform to the general plan for the municipality as a whole." *Monarch Chemical Works, Inc. v. City of Omaha*, 203 Neb. 33, 36, 277 N.W.2d 423, 425 (1979). Cities or villages may create a division or department to function as a community development agency, or may establish a Community Redevelopment Authority ["CRA"] to prepare and carry out redevelopment plans for areas which have been declared substandard and blighted. Neb. Rev. Stat. §§ 18-2101.01, 18-2102 and 18-2102.01 (2012). After a redevelopment plan has been prepared and approved, a CRA may contract with redevelopers regarding the use of property for residential, commercial, industrial, or recreational purposes or other public purposes within a community development area in accordance with the redevelopment plan, and "provide grants, loans, or other means of financing to public or private parties in order to accomplish the rehabilitation or redevelopment in accordance with the redevelopment plan." Neb. Rev. Stat. § 18-2107(4) (2012). Section 18-2123 of the CDL provides:

Upon a determination, by resolution, of the governing body of the city in which such land is located, that the acquisition and development of undeveloped vacant land, not within a substandard or blighted area, is essential to the proper clearance or redevelopment of substandard or blighted areas or a necessary part of the general community redevelopment program of the city, or that the acquisition and development of land outside the city, but within a radius of three miles thereof, is necessary or convenient to the proper clearance or redevelopment of one or more substandard or blighted areas within the city or is a necessary adjunct to the general community redevelopment program of the city, the acquisition, planning, and preparation for development of such land shall constitute a redevelopment project which may be undertaken by the authority in the manner provided in the foregoing sections.

Redevelopment projects may be funded by the use of "Tax Increment Financing" ["TIF"], which allows the increased property taxes generated by the redevelopment to be used to finance the redevelopment. Neb. Rev. Stat. §§ 18-2147 to 18-2153 (2007); 350 N.A.C. § 18.001.01. After a redevelopment project is approved, the city or CRA may issue TIF bonds to finance the project. *See* Neb. Rev. Stat. § 18-2124(3) (2012). A redevelopment plan may provide that real property taxes in a redevelopment project shall be divided "for a period not to exceed fifteen years after the effective date of such provision. . . ." Neb. Rev. Stat. § 18-2147(1) (2012). Taxing entities can levy taxes on real property in the project on the redevelopment project valuation, also known as the base value, which means "the assessed valuation on the taxable property in a redevelopment project last certified to the political subdivisions in the year prior to the effective date of the provision authorizing the dividing of ad valorem tax pursuant to" Neb. Rev. Stat. §§ 18-2103(21) and 18-2147 (2012). 310 N.A.C. § 18.002.15. The portion of tax assessed on real property in the



redevelopment project in excess of the base value for the current year, the redevelopment project excess valuation, is accounted for separately and used to pay off the financing or debt incurred for the project for a period not to exceed fifteen years. Neb. Rev. Stat. § 18-1247(1)(b) (2012). Notice of the provision for dividing taxes must be sent by the city or CRA to the county assessor on or before August 1 in the calendar year that the division of real property taxes is to become effective. Neb. Rev. Stat. § 18-2147(3) (2012); 350 N.A.C. § 18.003.03.

#### **B. Constitutional Authorization of TIF**

In 1978, a constitutional amendment was presented to voters to approve authorizing cities and villages to issue bonds and other evidence of indebtedness to acquire and redevelop substandard and blighted property in a redevelopment project, and to pledge and apply to pay off such indebtedness all taxes levied on the value of real property in excess of the prior year's valuation on property in the project area for a period not to exceed fifteen years. 1978 Neb. Laws, LB 469, § 1. The amendment was adopted and became Neb. Const. art. VIII, § 12. In 1984, this provision was amended to allow cities and villages to incur indebtedness to rehabilitate substandard and blighted property, in addition to permitting acquisition and redevelopment. 1984 Neb. Laws, LR 227. An amendment altering the financing provisions relating to redevelopment of substandard and blighted property by further defining the project area was approved in 1988. 1987 Neb. Laws, LR 11. Neb. Const. art. VIII, § 12, currently provides as follows:

For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the Constitution or local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed fifteen years, on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

### C. Analysis

Section 18-2123 authorizes the acquisition, planning, and preparation for development of undeveloped vacant land as a redevelopment project where the land "is not within a substandard or blighted area." As Neb. Const. art. VIII, § 12, authorizes the use of TIF based "on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to [ ] rehabilitation, acquisition, or redevelopment", the issue is whether TIF can be used in connection with the acquisition and development of undeveloped vacant land under § 18-2123 since such land is not within an area designated as "blighted and substandard."

The Nebraska Supreme Court has recognized the following general rules governing the interpretation of constitutional provisions:

The intent and understanding of [the] framers [of a constitutional provision] and the people who adopted it as expressed in the instrument is the main inquiry in construing it. . . . The words of a constitutional provision will be interpreted and understood in their most natural and obvious meaning unless the subject indicates or the text suggests they are used in a technical sense. The court may not supply any supposed omission, or add words to or take words from the provision as framed. It must be construed as a whole, and no part will be rejected as meaningless or surplusage, if it can be avoided. If the meaning is clear, the court will give to it the meaning that obviously would be accepted and understood by the layman. . . . It is permissible to consider the facts of history in determining the meaning of the language of the Constitution. . . . It is also appropriate and helpful to consider, in connection with the historical background, the evil and mischief attempted to be remedied, the objects sought to be accomplished, and the scope of the remedy its terms imply.

*State ex rel. Spire v. Beermann*, 235 Neb. 384, 389-90, 455 N.W.2d 749, 752 (1990) (quoting *State ex rel. State Railway Comm'n v. Ramsey*, 151 Neb. 333, 340-41, 37 N.W.2d 502, 508 (1949) (citations omitted)).

As noted previously, art. VIII, § 12, was added to the Nebraska Constitution in 1978. As originally approved by the voters, the amendment provided that cities or villages could acquire and develop "substandard or blighted property" in a redevelopment project, and issue bonds or other evidence of indebtedness for the redevelopment to be repaid by property taxes on the assessed value of the property in excess of the assessed value for the year prior to acquisition and redevelopment for a period not to exceed fifteen years. 1978 Neb. Laws LB 469, § 1. A 1984 amendment, however, removed the word "or" between "substandard" and "blighted", replacing the word with "and". 1984 Neb. Laws LR 227, § 1. This is consistent with the CDL, which refers to development or redevelopment of

"substandard and blighted areas". See Neb. Rev. Stat. §§ 18-2102 (2012) (Declaring intent to allow cities and villages to renew "substandard and blighted areas"); 18-2103(20) (Cum. Supp. 2014) (Defining community redevelopment area as "a substandard and blighted area which the community redevelopment authority designates as appropriate for a renewal project"); 18-2107(4) (2012) (Granting CRAs various powers to rehabilitate or redevelop "substandard and blighted areas"); 18-2109 (2012) (Requiring redevelopment project area be designated as a "substandard and blighted area" prior to preparation of a redevelopment plan.).<sup>1</sup> The plain language of both art. VIII, § 12, and the CDL, requires limiting the use of TIF to fund redevelopment projects only if they are included in an area designated as "substandard and blighted". Accordingly, on its face, the use of TIF for the acquisition, planning, and preparation for development of undeveloped vacant land that is not within a substandard and blighted area under § 18-2123 would appear to be inconsistent with art. VIII, § 12.

In analyzing this question, however, it is necessary to consider the impact of the Nebraska Supreme Court's decision in *Fitzke v. City of Hastings*, 255 Neb. 46, 582 N.W.2d 301 (1998) [*Fitzke*]. In *Fitzke*, owners of property located near an area within the City of Hastings ["City"] challenged the City's determination that undeveloped agricultural land added to an existing redevelopment area was blighted and substandard, and granting the use of TIF for development of a campground on the land. Based on a "Blight and Substandard Determination Study" prepared by a consultant retained by the City's CRA, the City declared a portion of the City [Area 7] "blighted and substandard" and approved a redevelopment plan for the area. 255 Neb. at 48, 582 N.W.2d at 305. City officials were approached by a person with a plan to develop a campground on an undeveloped parcel of property in the northern part of the City which was being used as a cornfield. The proposed campground site was located outside of Area 7. *Id.* The consulting firm that performed the original blighted and substandard study for Area 7 could not conclude that the additional land met such criteria, but recommended it be included in Area 7. The City Council approved a resolution to add the land and "declare the expanded Area 7 as blighted and/or substandard." *Id.* at 49, 582 N.W.2d at 305. The CRA modified the Area 7 redevelopment plan to provide for development of a campground in the area added by the resolution, and, as an incentive, approved a grant to the developer to be repaid through TIF. *Id.* at 50, 582 N.W.2d at 305. The CRA then entered into a redevelopment contract for construction of the campground. *Id.*, 582 N.W.2d at 306.

The *Fitzke*'s and other owners of property near the proposed campground challenged the legality of including the campground site in Area 7, and the

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<sup>1</sup> The terms "Substandard areas" and "Blighted area" are defined, respectively, in Neb. Rev. Stat. § 18-2103(10) and (11) (Cum. Supp. 2014).

grant of TIF. *Id.* at 50-51, 582 N.W.2d at 306. The trial court found the addition of land to Area 7 was improper because "[l]and may not be added to an existing redevelopment area unless it is established that the additional land is itself blighted or substandard." *Id.* at 51, 582 N.W.2d at 306. The trial court further determined that, "[u]nless necessary to relieve blight or substandard conditions on a specific site the mere incorporation of land into a redevelopment area is not sufficient to qualify the land for a blight or substandard designation...", and that there was "no showing that the proposed development would eliminate any identifiable blight or substandard condition." *Id.* Ultimately, the trial court concluded that the blighted and substandard designation of the expanded Area 7 was "contrary to the specific limitations of the relevant statutes of the State of Nebraska and [was] invalid...", and rescinded the redevelopment contract, declaring it "void from its inception." *Id.*

On appeal, the Nebraska Supreme Court addressed the propriety of the trial court's finding that the blighted and substandard designation was invalid, and its determination that the redevelopment contract and grant of TIF were therefore void. Discussing the CDL generally, the court recognized that "statutes similar to the CDL have been interpreted as applying to areas rather than individual properties, and courts have refused to invalidate blight determinations with respect to an area merely because a single parcel within the area would not be considered blighted if viewed in isolation." 255 Neb. at 58, 582 N.W.2d at 310. Indeed, the court recognized it "acknowledged this 'area rule' in" a prior case. *Id.* (citing *Monarch Chemical Works, Inc. v. City of Omaha*, 203 Neb. 33, 41, 277 N.W.2d 423, 428 (1979)).

Noting it was "undisputed" that the land which included the proposed campground site "consisted of undeveloped land used exclusively as a cornfield prior to its incorporation in Area 7...", and that the CRA's "consultant was unable to state that this parcel was itself blighted or substandard within the meaning of the CDL...", the court found that, "in light of the area rule", it "disagreed with the conclusion of the district court that land may not be added to an existing redevelopment area unless the additional land is itself blighted or substandard." *Id.* at 59-60, 582 N.W.2d at 310-11. The court stated that "[t]he CDL does not specifically address the question of the incorporation of territory into an existing community development area which has previously been declared blighted or substandard." *Id.* at 59, 582 N.W.2d at 311. Prior to addressing this question, the court discussed various provisions of the CDL, including: (1) identification of a community development area declared to be substandard and blighted; (2) formulation of a redevelopment plan for the area; and (3) implementation of the redevelopment by means such as acquisition, sale, leasing, and contracting for redevelopment. *Id.* at 60, 582 N.W.2d at 311. Included in the court's discussion was reference to § 18-2123, which it stated "provides that undeveloped and vacant land situated within a city but not within a substandard or blighted area may not constitute a

redevelopment project under the CDL unless the governing body of the city first determines by resolution that such land 'is essential to the proper clearance or redevelopment of substandard or blighted areas or is a necessary part of the general community redevelopment program of the city.'" *Id.* at 61, 582 N.W.2d at 311.

Following this discussion of the CDL, the court stated:

Under this statutory scheme, a private development project would be eligible for tax increment financing only if it is included within an area which has previously been declared blighted or substandard and is in furtherance of an existing redevelopment plan for that area. The declaration of property as blighted or substandard is not simply a formality which must be met in order to assist a private developer with tax increment financing; it is the recognition of a specific public purpose which justifies the expenditure of public funds for redevelopment....If a private development project is ineligible for tax increment financing because it is located on land which is not blighted or substandard within the meaning of the CDL, it logically follows that eligibility could not be created by simply incorporating the project site into an adjacent area which has been declared blighted or substandard and revising the redevelopment plan for that area to include the project. Such a result would be contrary to the legislative intent underlying the CDL, which is to eliminate blighted and substandard urban areas through a cooperative effort of the public and private sectors, not to aid private developers. We therefore hold that under the CDL, land cannot be added to an existing community redevelopment area unless (1) the additional land is declared blighted or substandard within the meaning of the CDL *or* (2) the additional land is reasonably necessary to accomplish the implementation of the existing redevelopment plan. *Id.* at 61, 582 N.W.2d at 311-12 (citations omitted) (emphasis in original).

Applying this test, the court noted it was undisputed that the land which included the campground site "was not itself blighted or substandard within the meaning of the CDL...", and that the district court found there was "no showing that the proposed development would eliminate any identifiable blight or substandard condition" of Area 7. *Id.* at 62, 582 N.W.2d at 312. The record also did not show "that the incorporation of this tract into Area 7 was reasonably necessary to carry out the redevelopment plan for Area 7...." Further, "the record contain[ed] no facts establishing that the development of the campground was necessary for the elimination of blight and substandard conditions in the original Area 7, pursuant to the original redevelopment plan." *Id.* In view of these facts, the court concluded that, "[w]hile construction and operation of the campground may have been a desirable economic development for Hastings, this factor alone [did] not justify incorporating the campground site into an existing redevelopment area to permit the use of tax increment financing as an incentive to the developer." *Id.* The court thus affirmed the district court's finding that the

expansion of Area 7 to include the campground was arbitrary and not supported by the evidence, and its determination that the redevelopment contract authorizing the TIF grant "was invalid and void ab initio." *Id.*

*Fitzke* establishes that undeveloped land may be added to a redevelopment area if it is either declared "blighted and substandard" or is "reasonably necessary to accomplish" implementation of an existing redevelopment plan. Section 18-2123 authorizes the governing body of a city to acquire and develop undeveloped vacant land within the city, even though it is not in a substandard or blighted area, if the governing body determines by resolution that it "is essential to the proper clearance or redevelopment of substandard or blighted areas or a necessary part of the general community development program of the city...." The requirement that the acquisition or development of the undeveloped vacant land be "essential" to redevelopment or "a necessary part" of the city's community development program is akin to the test announced by the court in *Fitzke*, which recognizes that, if undeveloped land is not itself substandard and blighted, it can be included in a redevelopment area (and thus be eligible for TIF) if it is "reasonably necessary" to implementation of an existing redevelopment plan.<sup>2</sup> Accordingly, the use of TIF for the purposes set out in § 18-2123 may be deemed proper for undeveloped vacant land which is not within a substandard and blighted area, provided the land is "essential" to redevelopment of substandard or blighted areas or a "necessary part" of the community redevelopment program.<sup>3</sup>

### CONCLUSION

Neb. Const. art. VIII, § 12, authorizes the use of TIF "for the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project" within "a designated blighted and substandard

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<sup>2</sup> Of course, if undeveloped vacant land is within a substandard and blighted area, § 18-2123 is not applicable. Also, if undeveloped vacant land is declared substandard and blighted under § 18-2109 as part of a redevelopment plan for a redevelopment project area, the TIF authorization contained in § 18-2147 would apply. We express no opinion as to whether undeveloped or vacant land may be declared substandard and blighted.

<sup>3</sup> Section 18-2123 also authorizes "the acquisition and development of land outside the city, but within a radius of three miles thereof, [which] is necessary or convenient to the proper clearance or redevelopment of one or more substandard or blighted areas within the city or is a necessary adjunct to the general community redevelopment program of the city...." Given the similar "necessity" requirement for the acquisition and development of land outside the city limits in this portion of the statute, this presumably also authorize the use of TIF in connection land acquired for these purposes.

area." As § 18-2123 relates to acquisition or development of undeveloped vacant land which is "not within a substandard or blighted area", applying the literal language of art. VIII, § 12, appears to foreclose the use of TIF in relation to the acquisition, planning, and preparation for development of such land as a redevelopment project. In *Fitzke*, however, the Nebraska Supreme Court held that, under the CDL, land cannot be added to an existing community redevelopment area and qualify for TIF unless "(1) the additional land is declared blighted or substandard within the meaning of the CDL or (2) the additional land is reasonably necessary to accomplish the implementation of the existing redevelopment plan." 255 Neb. at 61, 582 N.W.2d at 312 (emphasis in original). The requirement in § 18-2123 that the acquisition or development of the undeveloped vacant land be "essential" to redevelopment or "a necessary part" of the city's community development program is akin to the test announced by the court in *Fitzke* recognizing that, if undeveloped land is not itself substandard and blighted, it can be included in a redevelopment area (and thus be eligible for TIF) if it is "reasonably necessary" to implementation of an existing redevelopment plan. Accordingly, despite the "substandard and blighted" requirement in art. VIII, § 12, the *Fitzke* decision indicates that the use of TIF for the purposes set out in § 18-2123 may be proper for undeveloped vacant land which is not within a substandard and blighted area, provided the land is "essential" to redevelopment of substandard and blighted areas or a "necessary part" of the community redevelopment program. As the question of whether TIF may be used in connection with the acquisition, planning, preparation, and development of undeveloped vacant land under § 13-2123 is not certain, you may wish to pursue clarifying legislation.<sup>4</sup>

Very truly yours,  
Douglas J. Peterson  
Attorney General  
(Signed) L. Jay Bartel  
Assistant Attorney General

pc Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

07-1062-29

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<sup>4</sup> LB 719, of course, is not limited to amending § 18-2123 to provide that TIF may not be used for the acquisition, planning, and preparation for development of undeveloped vacant land under the limited circumstances set out in that statute. It would, in addition, provide that no undeveloped vacant land can "be declared or designated blighted and substandard to qualify for the use of" TIF.

**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>

**COMMUNICATION(S)**

Received a copy of Senate Joint Resolution 4, Sections 3 and 8, from the state of Oklahoma calling for a convention of the states under Article V of the United States Constitution for the purpose of proposing amendments to the United States Constitution related to balancing the federal budget, imposing fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office for its officials and for members of Congress.

**2016 INTERIM REPORT  
 ON THE DISPOSITION OF  
 INTERIM STUDY RESOLUTIONS**

Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
498	Study Nebraska Right to Farm Act		X	
535	Study means to assist livestock producers marketing in direct and regional markets			X
536	Study to investigate means to reduce conflict between pesticide use and sensitive crops	X		
537	Study animal ID authorities of the Department of Agriculture			X
569	Study means to fund a grant program authorized under the Livestock Growth Act			X
570	Study Activities of the Department of Agriculture with respect to an ag promotion and development program authorized by §2-3815			X
573	Study to examine the history and current commercial activity with respect to industrial hemp			X
595	Study to examine food deserts		X	



598	Study to examine copyright barriers to ownership privileges and provision of repair services for ag machinery and equipment and other consumer items			X
612	Study issues within the jurisdiction of the Agriculture Committee (Nebraska Brand Committee)		X	

Appropriations

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
502	Interim study to examine the use of revolving funds within the Dept. of Administrative Services	X		
509	Interim study to examine the funding history, programs, and services offered by the Cooperative Extension Service of the University of Nebraska			X
517	Interim study to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund	X		
552	Interim study to develop a plan to address funding and budgetary issues relating to climate change		X	
577	Interim study to examine issues under the jurisdiction of the Appropriations Committee		X	
580	Interim study to examine the Dept. of Health and Human Services' policies for dealing with disallowances and audit exceptions by the federal government which have resulted in large fines and having to return money to the federal government		X	
588	Interim study to determine best practices in drafting tax legislation and determining the fiscal impact of tax policies		X	

## Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
430	Interim study to examine whether the Nebraska Banking Act should be updated		X	
431	Interim study to examine whether the Securities Act of Nebraska should be updated		X	
493	Interim study to examine whether the Nebraska Appraisal Management Company Registration Act should be updated		X	
508	Interim study to examine possible changes to the Nebraska Model Business Corporation Act		X	
521	Interim study to examine the business practices of pharmacy benefit managers as those practices relate to such managers' arrangements with private entities, insurers, pharmacies, and the State of Nebraska			X
554	Interim study to examine information regarding air ambulance costs			X
591	Interim study to examine and make recommendations on improving health care coverage plans available to Nebraska small businesses with fifty or less employees			X

## Business and Labor

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
512	Interim study to examine the Commission of Industrial Relations		Hearing held Oct. 21, 2016	
520	Interim study to provide a review of the administration and enforcement of the Employee Classification Act by the Dept. of Labor			X

533	Interim study to examine promoting career education and training that can lead to job readiness for middle-skill jobs		Hearing held Oct. 21, 2016	
556	Interim study to examine the conveyances currently covered by the Conveyance Safety Act			X

Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
587	Interim study to examine the issues within the jurisdiction of the Education Committee		X	
564	Interim study to examine education in Nebraska		X	
586	Interim study to examine the effects of transferring public school employees from the system of district-based health insurance plans to the Nebraska State Insurance Program		X	
559	Interim study to examine the feasibility and impact of implementing the Civics Education Initiative in Nebraska through legislation or in partnership with the State Board of Education			X
581	Interim study to examine the positive and negative effects of federal education funding if Nebraska would choose not to accept federal funds that are tied to federal mandates			X

General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
541	Interim study to examine the economic benefits of keno		X	
542	Interim study to examine the issues within the jurisdiction of the General Affairs Committee		X	

567	Interim study to examine and review the sale of alcohol in Whiteclay and the need for additional funding for law enforcement		X	
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## Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
504	Interim study to examine the numerous deadlines involved in the election process		X	
530	Interim study to examine the voting processes and procedures available for citizens who are hospitalized or who reside in nursing homes or extended care facilities		X	
557	Interim study to examine what actions the State of Nebraska needs to take to meet the United States Department of Defense's mandates regarding energy and renewable resources		X	
558	Interim study to evaluate the governance structure of the Nebraska Educational Telecommunications Commission		X	
583	Interim study to examine administrative law judges in Nebraska		X	
596	Interim study to examine issues within the jurisdiction of the Government, Military & Veterans Affairs Committee		X	
597	Interim study to examine financing mechanisms available to various political subdivisions to issue bonds or assume future payment obligations without a direct vote of taxpayers		X	

## Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
397	Interim study to monitor the health care transformation in Nebraska			X
412	Interim study to improve communication access for movie theaters in Nebraska to ensure all persons can fully experience the movie theater experience			X
415	Urge the Nebraska congressional delegation to support and co-sponsor Senate Bill 1989 entitled Primary Care Enhancement Act of 2015			X
463	Interim study to examine ways to improve the coverage of hearing aid costs for Nebraska families			X
499	Interim study to examine any issues within the jurisdiction of the Health and Human Services Committee		X	
507	Interim study to examine the development of a public notification system to broadcast alerts when vulnerable adults go missing		X	
510	Interim study to examine how to best integrate palliative care into the overall medical care structure of our health care system			X
513	Interim study to examine workforce issues within the child welfare and juvenile justice systems		X	
514	Interim study to examine the availability of transition services for youth who will leave or have left the juvenile justice system while in an out-of-home placement	X		

522	Interim study to examine the issue of how to best educate the public and create awareness about the risks associated with sun exposure and ultraviolet radiation exposure			X
523	Interim study to examine Nebraska law regarding the protection of children who have reached eighteen years of age but have not yet reached the age of majority		X	
529	Interim study to examine the ongoing implementation of the federal Preventing Sex Trafficking and Strengthening Families Act of 2014 and related state law and policy		X	
544	Interim study to examine the alternative response demonstration projects created in LB 853, 2014			X
545	Interim study to examine medicaid and the Children's Health Insurance Program, with an emphasis on children that are eligible but unenrolled in these programs			X
548	Interim study to examine issues surrounding youth tobacco use			X
551	Interim study to explore and assess the use of congregate care in Nebraska for youth in the child welfare and juvenile justice systems			X
553	Interim study to examine issues surrounding the Medicaid Reform Council			X
572	Interim study to examine issues surrounding the Division of Veterans' Homes of the Dept. of Health and Human Services and wait times for admission to the veterans' homes system			X
574	Interim study to examine aspects of Nebraska's medicaid program that include share of cost or resource spend down components			X

575	Interim study to continue the ongoing study of access to healthcare in Nebraska			X
582	Interim study to examine how, through better coordination of health services, the state can better assist low-income individuals currently without insurance			X
590	Interim study to examine options to offer incentives to health care professionals who provide free care and services to qualified recipients			X
602	Interim study to examine existing barriers to the delivery of health care services through telehealth technologies in Nebraska			X
603	Interim study to examine the issues faced by residents of mobile home communities			X

Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
506	Interim study to examine the efficacy of testing and monitoring programs, particularly the 24/7 sobriety program, in reducing recidivism for driving under the influence and controlled substance offenses		X	
518	Interim study to review issues surrounding child custody proceedings and parenting time determinations as they pertain to families of divorce			X
525	Interim study to examine issues associated with treating an individual licensed under the Nebr. Real Estate License Act as a professional for purposes of civil actions for professional negligence			X

527	Interim study to examine possible legislative reforms to Nebraska's mandatory minimum sentencing laws			X
532	Interim study to evaluate the effectiveness and success of the Office of Violence Prevention			X
543	Interim study to examine possible legislative reforms to Nebraska laws relating to birth certificates			X
546	Interim study to examine whether Nebraska's occupational licensing boards are exposed to liability under antitrust laws			X
549	Interim study to examine issues relating to utilization of the U visa program in Nebraska			X
550	Interim study to examine the feasibility of creating a common data collection site for county jail information necessary to receive funding under the County Justice Reinvestment Grant Program		X	
560	Interim study to examine the origins and utility of using court fees as a source of funding in Nebraska			X
561	Interim study to examine the effectiveness, economic stability, and long-term viability of the Youth Rehabilitation and Treatment Center in Kearney and the Youth Rehabilitation and Treatment Center in Geneva		X	
566	Interim study to examine the availability of education, rehabilitation, and reentry support for incarcerated men and women		X	
568	Interim study to examine the membership, role, and duties of the Nebraska Police Standards Advisory Council			X
576	Interim study to examine children's access to legal counsel in juvenile proceedings across the state of Nebraska			X
578	Interim study to examine the Developmental Disabilities Court-Ordered Custody Act			X



584	Interim study to examine the possibility of providing direct and statewide funding for legal representation in order to provide more equitable access to civil justice in Nebraska			X
589	Interim study to examine issues within the jurisdiction of the Judiciary Committee			X

Natural Resources

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
402	Interim study to examine issues surrounding the blending of various fuels in Nebraska and the impact of right to blend laws in other states			X
579	Interim study to examine issues relating to solar energy development		X	

Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
483	Examine public employees' retirement systems administered by the Public Employees Retirement Board		X	
534	Examine whether the state can divest from fossil fuels and invest in clean energy consistent with fiduciary obligations			X
571	Examine local political subdivision retirement plans	X		

Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
511	Examine Existing Law on Remote Sales Tax Collection	X		
555	Study Process and Procedures of Appeals Before the TERC	X		
604	Examine Inconsistencies in Determining Ag Land Value		X	

600	Examine Alternatives for Valuing Ag Land		X	
563	Examine Substantial Tax Rates on Wireless Phone Service		X	
562	Examine Why Legislative Bills 20, 357 & 454 Failed to Pass the Legislature		X	
452	Establish Study Group to Examine Issues of the Need to Provide Financial Assistance for Home Accessibility Modifications for People with Disabilities Including Elderly		X	
592	Examine All Types of Income Taxation		X	
593	Examine Property Taxes		X	
594	Examine Sales, Use and Miscellaneous Taxes		X	

Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
538	Telecommunications Services in Nebraska Legislature		X	
519	Study Update of the One-Call Notification Act		X	
539	Jurisdiction and Structure of the Nebraska Public Service Commission		X	
599	Review the Rate Review Processed Currently Conducted by the Nebraska Public Service Commission		X	

Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
439	Interim study to examine the use of tax-increment financing by municipalities for residential development		X	
464	Interim study to examine the effects of the use of tax-increment financing by municipalities			X

489	Interim study to examine issues relating to housing authorities		X	
490	Interim study to examine the enforcement of state and local building codes		X	
495	Interim study to examine state law governing cities of the second class and villages in Chapter 17 of the Nebraska statutes		X	
496	Interim study to examine issues within the jurisdiction of the Urban Affairs Committee			X
526	Interim study to examine municipal classifications		X	
565	Interim study to examine land acquisition within municipalities for educational purposes			X
605	Interim study to examine issues relating to urban redevelopment			X

### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 1.** Introduced by Executive Board: Watermeier, 1, Chairperson.

A BILL FOR AN ACT relating to ethanol; to amend section 66-1333, Reissue Revised Statutes of Nebraska, and section 66-1345, Revised Statutes Cumulative Supplement, 2016; to eliminate defined terms; to repeal obsolete provisions relating to the Ethanol Production Incentive Cash Fund and a corn and grain sorghum excise tax; to eliminate a penalty; to repeal the original sections; and to outright repeal section 66-1345.03, Reissue Revised Statutes of Nebraska, and sections 66-1345.01, 66-1345.02, and 66-1345.04, Revised Statutes Cumulative Supplement, 2016.

**LEGISLATIVE BILL 2.** Introduced by Executive Board: Watermeier, 1, Chairperson.

A BILL FOR AN ACT relating to agriculture; to amend section 54-857, Revised Statutes Cumulative Supplement, 2016; to eliminate an obsolete provision relating to a report on dairy production and processing; to harmonize provisions; to repeal the original section; and to outright repeal section 2-3993, Revised Statutes Cumulative Supplement, 2016.

**LEGISLATIVE BILL 3.** Introduced by Executive Board: Watermeier, 1, Chairperson.

A BILL FOR AN ACT relating to the Communications Cash Fund; to amend section 81-1120.22, Reissue Revised Statutes of Nebraska; to repeal provisions that terminated July 31, 2011; to harmonize provisions; to repeal the original section; and to outright repeal section 81-1120.23, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 4.** Introduced by Executive Board: Watermeier, 1, Chairperson.

A BILL FOR AN ACT relating to the Medical Home Pilot Program Act; to repeal provisions that terminated June 30, 2014; and to outright repeal sections 68-957, 68-958, 68-960, and 68-961, Reissue Revised Statutes of Nebraska, and section 68-959, Revised Statutes Cumulative Supplement, 2016.

**LEGISLATIVE BILL 5.** Introduced by Executive Board: Watermeier, 1, Chairperson.

A BILL FOR AN ACT relating to the Small Business Innovation Act; to repeal provisions that terminated December 31, 2014; and to outright repeal sections 81-12,136, 81-12,137, 81-12,138, 81-12,139, 81-12,140, 81-12,141, 81-12,142, and 81-12,143, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 6.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Office of the Inspector General of Nebraska Child Welfare Act; to amend section 43-4325, Reissue Revised Statutes of Nebraska; to provide for release of a summarized final report as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 7.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to jails and correctional facilities; to amend section 47-706, Revised Statutes Cumulative Supplement, 2016; to provide for suspension of medical assistance for detainees in public institutions as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 8.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-253, 43-286, and 43-286.01, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to juvenile detention and probation; to provide for graduated response sanctions and incentives as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 9.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to radon; to adopt the Radon Resistant New Construction Act; and to create a task force.

**LEGISLATIVE BILL 10.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska; to increase the number of judges of the separate juvenile court as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 11.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-1816 and 43-274, Reissue Revised Statutes of Nebraska; to change provisions relating to transfer of juvenile cases; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 12.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3510 and 77-3514, Revised Statutes Cumulative Supplement, 2016; to change homestead exemption requirements relating to income statements and certifications of status; and to repeal the original sections.

**LEGISLATIVE BILL 13.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to state government; to amend sections 60-1404, 72-723, 72-2210, 72-2213, 80-401.11, 81-1108.36, and 81-1108.38, Reissue Revised Statutes of Nebraska, and section 3-106, Revised Statutes Cumulative Supplement, 2016; to change provisions regarding office space and state property; to provide and change duties for the Nebraska Capitol Commission and the Office of the Nebraska Capitol Commission; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 14.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to education; to state intent; and to provide for successful completion of a civics test as a prerequisite to high school graduation as prescribed.

**LEGISLATIVE BILL 15.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to adopt the First-Time Home Buyer Savings Account Act; to provide for income tax adjustments as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 16.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885.13, 81-885.17, 81-885.19, and 81-885.21, Reissue Revised Statutes of Nebraska, and section 81-885.24, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to applications for licenses and display and verification of licenses; to provide for rules and regulations relating to broker trust accounts; to provide an unfair trade practice; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 17.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to real property; to amend sections 76-2228.02, 76-3201, 76-3202, 76-3203, 76-3204, 76-3205, 76-3206, 76-3207, 76-3208, 76-3210, 76-3212, 76-3213, 76-3214, 76-3215, 76-3216, and 76-3217, Revised Statutes Cumulative Supplement, 2016; to change and eliminate provisions relating to the Real Property Appraiser Act and the Nebraska Appraisal Management Company Registration Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 18.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend sections 38-1101, 38-1102, 38-1107, 38-1116, 38-1119, 38-1121, 38-1130, 38-1131, 38-1132, 38-1135, and 38-1136, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to dental assistants and licensed dental hygienists; to provide for licensed dental assistants, expanded function dental assistants, and expanded function dental hygienists; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 19.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to acupuncture; to amend section 38-2058, Reissue Revised Statutes of Nebraska; to change requirements for the practice of acupuncture; and to repeal the original section.

**LEGISLATIVE BILL 20.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3508, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to homestead exemption certifications; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 21.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1439.01, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to primary and secondary motor vehicle insurance

coverage for loaned vehicles; and to repeal the original section.

**LEGISLATIVE BILL 22.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB259A, section 2; Laws 2015, LB469A, section 1; Laws 2015, LB605A, section 8; Laws 2015, LB657, sections 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 25, 26, 27, 28, 29, 32, 34, 38, 39, 44, 51, 53, 54, 55, 56, 58, 67, 68, 71, 80, 83, 84, 85, 90, 94, 95, 97, 99, 100, 101, 107, 108, 112, 113, 114, 119, 126, 127, 129, 131, 133, 134, 136, 137, 138, 139, 140, 145, 150, 152, 153, 154, 155, 163, 166, 167, 169, 171, 174, 175, 178, 179, 188, 191, 192, 194, 195, 202, 204, 211, 213, 216, 218, 219, 221, 223, 224, 226, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 244, 245, 246, 247, 249, 256, and 260; Laws 2015, LB659, sections 7, 15, and 17; Laws 2015, LB660, sections 35 and 40; Laws 2016, LB956, sections 7, 10, 39, 41, 42, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 55, 56, 61, 62, 63, 65, 66, and 67; and Laws 2016, LB1038A, section 1; to define terms; to provide, change, and eliminate provisions relating to appropriations; to reduce appropriations; to state intent; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 23.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend sections 12-1301, 19-102, 19-103, 24-231, 29-3921, 60-3,218, 68-940.01, 71-7450, 81-179, 81-638, 81-885.15, 81-1558, 85-1414.01, and Reissue Revised Statutes of Nebraska, sections 2-1222, 60-1409, 66-204, and 85-1414.01, Revised Statutes Cumulative Supplement, 2016, and Laws 2015, LB661, section 4; to provide for transfers of funds; to harmonize provisions; to terminate funds; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 24.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2016; to provide for a transfer; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 25.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to presidential electors; to amend sections 32-710, 32-713, 32-714, and 32-1038, Reissue Revised Statutes of Nebraska; to change provisions relating to ballots cast by presidential electors; and to repeal the original sections.

**LEGISLATIVE BILL 26.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to harassment protection orders; to amend section 28-311.09, Reissue Revised Statutes of Nebraska; to change service requirements for such orders; and to repeal the original section.

**LEGISLATIVE BILL 27.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to state and local government; to amend sections 81-1118, 81-1348, and 84-321, Reissue Revised Statutes of Nebraska, and sections 13-513, 73-506, 84-304, and 84-311, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the Nebraska Budget Act; to provide for late fees and remedial fees; to change provisions relating to the duration of certain state agency contracts and membership of the Suggestion Award Board; to authorize additional assistant deputies for and sharing of working papers by the Auditor of Public Accounts; to provide the rate of interest on and liability for certain delinquent payments; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 28.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Nebraska Capital Expansion Act; to amend section 72-1263, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the amount of funds offered to banks and other financial institutions as deposits; and to repeal the original section.

**LEGISLATIVE BILL 29.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Class V School Employees Retirement Cash Fund; to amend sections 72-1249 and 79-9,115, Revised Statutes Cumulative Supplement, 2016; to eliminate the fund; to change a provision relating to expenses charged to the Class V School Employees Retirement Fund; and to repeal the original sections.

**LEGISLATIVE BILL 30.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to provide for a cash balance benefit plan by cities of the metropolitan class and primary class for certain police officers or firefighters as prescribed; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 31.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to school retirement plans; to amend sections 79-933.08 and 79-958, Reissue Revised Statutes of Nebraska, and sections 79-902 and 79-978, Revised Statutes Cumulative Supplement, 2016; to redefine terms; to change provisions relating to the purchase of service credit within twelve months of retirement; to harmonize provisions;



to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 32.** Introduced by Kolterman, 24; Watermeier, 1.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2334 and 84-1319, Reissue Revised Statutes of Nebraska, and section 23-2317, Revised Statutes Cumulative Supplement, 2016; to eliminate a duty of the Public Employees Retirement Board to provide tax information to county and state employees; to change provisions relating to prior service retirement benefit payments under the County Employees Retirement Act; and to repeal the original sections.

**LEGISLATIVE BILL 33.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to vital statistics; to amend section 71-612, Revised Statutes Cumulative Supplement, 2016; to change fees for multiple copies of death certificates; and to repeal the original section.

**LEGISLATIVE BILL 34.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to elections; to amend section 32-610, Reissue Revised Statutes of Nebraska; to change filing provisions relating to partisan candidates; and to repeal the original section.

**LEGISLATIVE BILL 35.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to corporations; to amend sections 21-201, 21-214, 21-217, 21-220, 21-254, 21-255, 21-264, 21-265, 21-266, 21-271, 21-275, 21-283, 21-285, 21-2,103, 21-2,113, 21-2,114, 21-2,120, 21-2,123, 21-2,124, 21-2,171, 21-2,172, 21-2,173, 21-2,197, 21-2,201, and 21-2,222, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the Nebraska Model Business Corporation Act; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 36.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to state agencies; to amend section 84-920, Revised Statutes Cumulative Supplement, 2016; to change provisions of the Administrative Procedure Act; to provide for review by agencies of occupational credentials as prescribed; to provide for a critical assessment document; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 37.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to garnishment; to amend sections 25-1056, 25-1552, 36-213, and 43-3334, Reissue Revised Statutes of Nebraska; to adopt the Uniform Wage Garnishment Act; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal section 25-1558, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 38.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to the register of deeds; to amend section 23-1503.01, Reissue Revised Statutes of Nebraska; to authorize digital or electronic signatures as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 39.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101 and 29-820, Reissue Revised Statutes of Nebraska; to prohibit the purchase, sale, offer for sale, trade, or barter of ivory as prescribed; to define a term; to provide a penalty; to provide for the disposition of ivory seized as contraband; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 40.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to school transportation; to amend section 79-609, Reissue Revised Statutes of Nebraska; to prohibit use of an interactive wireless communication device by a school bus operator as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 41.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,268, Revised Statutes Cumulative Supplement, 2016; to change child passenger restraint system enforcement from a secondary offense to a primary offense; and to repeal the original section.

**LEGISLATIVE BILL 42.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,265, 60-6,267, and 71-1907, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to occupant protection systems for children; to adopt certain federal safety provisions; and to repeal the original sections.

**LEGISLATIVE BILL 43.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-435, 86-457, and 86-903, Reissue Revised Statutes of Nebraska; to change provisions relating to surcharges for 911 service; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 44.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Remote Seller Sales Tax Collection Act; and to declare an emergency.

**LEGISLATIVE BILL 45.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend section 80-414, Reissue Revised Statutes of Nebraska, and sections 60-3,122.03 and 60-3,122.04, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to Military Honor Plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 46.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend section 43-1906, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2016; to provide additional funding for the Nebraska Child Abuse Prevention Fund; to provide for Choose Life License Plates; to change provisions relating to personalized message license plates; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 47.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to county government; to amend sections 23-1822, 33-138, 33-139, and 48-135, Reissue Revised Statutes of Nebraska; to change provisions relating to the payment of fees and costs associated with grand juries and the deaths of incarcerated persons; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 48.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to provide an income tax adjustment relating to certain gains on the sale of real estate; and to repeal the original section.

**LEGISLATIVE BILL 49.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2714, Reissue Revised Statutes of Nebraska, and section 77-2701, Revised Statutes Cumulative Supplement, 2016; to provide for the treatment of certain amendments to the Internal Revenue Code; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 50.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to behavioral health services; to amend section 71-801, Revised Statutes Cumulative Supplement, 2016; to provide duties for the Division of Behavioral Health of the Department of Health and Human Services and the regional governing authorities; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 51.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1859, Reissue Revised Statutes of Nebraska, and sections 19-5217, 77-1807, 77-1812, 77-1824, 77-1825, and 77-1831, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to sales of real property for nonpayment of taxes; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 52.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Modern Tax Act; to impose a tax on the interest paid on certain loans; and to provide an operative date.

**LEGISLATIVE BILL 53.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-105 and 29-2221, Reissue Revised Statutes of Nebraska; to change provisions relating to mandatory minimum sentencing and sentencing of habitual criminals; to provide for three-judge panel sentencing hearings as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 54.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,168, Reissue Revised Statutes of Nebraska; to change provisions relating to unattended motor vehicles; and to repeal the original section.

**LEGISLATIVE BILL 55.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to county roads maintenance; to amend section 39-1811, Reissue Revised Statutes of Nebraska; to change a provision relating to the frequency of the mowing of weeds by landowners; and to repeal the original section.

**LEGISLATIVE BILL 56.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to accountants; to amend section 1-136.02, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to experience requirements for issuance of a permit; and to repeal the original section.

**LEGISLATIVE BILL 57.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to unsworn declarations; to amend sections 28-915 and 28-915.01, Reissue Revised Statutes of Nebraska; to adopt the Uniform Unsworn Foreign Declarations Act; to change provisions relating

to perjury; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 58.** Introduced by Kintner, 2; Brasch, 16; Erdman, 47.

A BILL FOR AN ACT relating to schools; to amend section 79-2,136, Reissue Revised Statutes of Nebraska; to change provisions relating to participation in school-sponsored extracurricular activities; and to repeal the original section.

**LEGISLATIVE BILL 59.** Introduced by Kintner, 2; Brasch, 16; Brewer, 43; Erdman, 47.

A BILL FOR AN ACT relating to health care facilities; to amend section 71-401, Revised Statutes Cumulative Supplement, 2016; to require the Department of Health and Human Services and health care facilities to provide information regarding abortion; to harmonize provisions; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 60.** Introduced by Lindstrom, 18; Friesen, 34; Groene, 42.

A BILL FOR AN ACT relating to the Parenting Act; to amend section 43-2933, Reissue Revised Statutes of Nebraska; to change provisions relating to limitation or denial of custody or access to a child; and to repeal the original section.

**LEGISLATIVE BILL 61.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to health care; to amend sections 38-2028 and 38-2034, Reissue Revised Statutes of Nebraska; to adopt the Interstate Medical Licensure Compact; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 62.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to schools; to eliminate provisions prohibiting the wearing of religious garb by teachers in public schools; to eliminate penalties; to harmonize provisions; and to outright repeal sections 79-898 and 79-899, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 63.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.10, Revised Statutes Cumulative Supplement, 2016; to eliminate a sales and use tax exemption relating to political events; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 64.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Adrenal Insufficiency Diagnosis Information and Support Act.

**LEGISLATIVE BILL 65.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2016; to provide income tax credits for caregivers as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 66.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to the Uninsured and Underinsured Motorist Insurance Coverage Act; to amend sections 44-6410 and 44-6411, Reissue Revised Statutes of Nebraska; to change provisions relating to stacking of coverage; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 67.** Introduced by Brasch, 16; Brewer, 43; Erdman, 47; Groene, 42; Halloran, 33; Kintner, 2; Lowe, 37.

A BILL FOR AN ACT relating to trade practices; to adopt the Fair Repair Act.

**LEGISLATIVE BILL 68.** Introduced by Hilgers, 21; Brewer, 43; Ebke, 32; Geist, 25; Groene, 42; Kolterman, 24; Larson, 40; Lindstrom, 18; Lowe, 37; Murante, 49; Watermeier, 1.

A BILL FOR AN ACT relating to firearms; to amend sections 15-255, 17-556, and 18-1703, Reissue Revised Statutes of Nebraska, and sections 14-102, 16-227, and 23-187, Revised Statutes Cumulative Supplement, 2016; to prohibit certain regulation of firearms, ammunition, and firearm accessories by cities, villages, and counties as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 69.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2016; to increase the earned income tax credit as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 70.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,109, Reissue Revised Statutes of Nebraska, and section 60-4,108, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to operator's license revocation; and to repeal the original sections.

**LEGISLATIVE BILL 71.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Tree Recovery Program; to amend section 72-1902, Reissue Revised Statutes of Nebraska; to change legislative intent relating to appropriations; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 72.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Governmental Unit Security Interest Act; to amend sections 10-1101, 10-1102, 10-1104, 10-1105, and 10-1106, Reissue Revised Statutes of Nebraska, and sections 10-1103, 70-1813, and 70-1819, Revised Statutes Cumulative Supplement, 2016; to rename the act; to define and redefine terms; to provide for governmental unit bond priority; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 73.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418, 28-1418.01, 28-1419, 28-1421, 28-1424, 28-1425, 28-1427, and 28-1429.01, Reissue Revised Statutes of Nebraska; to prohibit the use, consumption, or obtaining of tobacco, vapor products, and alternative nicotine products by persons under twenty-one years of age; to prohibit the sale or transfer of tobacco, vapor products, and alternative nicotine products to persons under twenty-one years of age; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 74.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-130 and 17-407, Reissue Revised Statutes of Nebraska, and sections 17-1002 and 18-3001, Revised Statutes Cumulative Supplement, 2016; to change county population thresholds relating to annexation, suburban development, and planned unit development by a city or village; and to repeal the original sections.

**LEGISLATIVE BILL 75.** Introduced by Wayne, 13; McDonnell, 5; Morfeld, 46.

A BILL FOR AN ACT relating to voting rights; to amend sections 29-112, 29-113, 29-2264, 32-312, 32-313, 32-1530, and 83-1,118, Reissue Revised Statutes of Nebraska; to provide for the restoration of voting rights upon completion of a felony sentence or probation for a felony; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 76.** Introduced by Wayne, 13; McDonnell, 5; Morfeld, 46.

A BILL FOR AN ACT relating to elections; to amend sections 29-112, 29-2264, 32-313, and 83-1,102, Reissue Revised Statutes of Nebraska, and section 83-187, Revised Statutes Cumulative Supplement, 2016; to require filing of certain orders and abstracts with the Secretary of State regarding felons; to provide and change powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 77.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2711, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to access to sales and use tax information by municipalities; and to repeal the original section.

**LEGISLATIVE BILL 78.** Introduced by Crawford, 45; Blood, 3.

A BILL FOR AN ACT relating to state highways; to amend section 39-1314, Reissue Revised Statutes of Nebraska; to change a provision relating to relinquishment or abandonment of a highway fragment, section, or route as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 79.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to private retirement plans; to adopt the Small Business Retirement Marketplace Act.

**LEGISLATIVE BILL 80.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to the County Civil Service Act; to amend section 23-2519, Reissue Revised Statutes of Nebraska; to provide that certain law clerks and students are in the unclassified service; and to repeal the original section.

**LEGISLATIVE BILL 81.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to handgun certificates; to amend section 69-2404, Reissue Revised Statutes of Nebraska; to change the application fee for such certificates; and to repeal the original section.

**LEGISLATIVE BILL 82.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend section 60-601, Revised Statutes Cumulative Supplement, 2016; to require the department to include certain traffic stop safety information in the Nebraska Driver's Manual; to harmonize provisions; and to repeal the original section.



**LEGISLATIVE BILL 83.** Introduced by Blood, 3; Linehan, 39; McDonnell, 5; Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,233, Reissue Revised Statutes of Nebraska; to allow physician medical directors to display certain vehicle lights as prescribed; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 84.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to driving under the influence; to amend section 60-601, Revised Statutes Cumulative Supplement, 2016; to provide for the admissibility in any civil action of evidence of damages as a result of driving under the influence; and to repeal the original section.

**LEGISLATIVE BILL 85.** Introduced by Blood, 3; Baker, 30; Crawford, 45; Hansen, 26; McDonnell, 5; Morfeld, 46; Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to law; to amend sections 32-602 and 49-1401, Reissue Revised Statutes of Nebraska, and section 49-14,123, Revised Statutes Cumulative Supplement, 2016; to provide a requirement for any person seeking appointive or elective office as prescribed; to provide a duty for the Nebraska Accountability and Disclosure Commission; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 86.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-810, Reissue Revised Statutes of Nebraska; to eliminate a requirement regarding opening bids; and to repeal the original section.

**LEGISLATIVE BILL 87.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to net metering; to amend sections 70-2002 and 70-2003, Reissue Revised Statutes of Nebraska; to redefine a term; to authorize local distribution utilities to waive certain requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 88.** Introduced by Blood, 3; Hansen, 26; Morfeld, 46; Wayne, 13; Williams, 36.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-101, 38-126, 38-208, 38-319, 38-413, 38-517, 38-518, 38-615, 38-708, 38-809, 38-1066, 38-1067, 38-1070, 38-10,132, 38-1120, 38-1121, 38-1123, 38-1217, 38-1218, 38-1312, 38-1421, 38-1507, 38-1513, 38-1516, 38-1711, 38-1712, 38-1814, 38-1917, 38-1917.02, 38-2028, 38-2034, 38-2049, 38-2125, 38-2130, 38-2223, 38-2225, 38-2316, 38-2318, 38-2421,

38-2517, 38-2523, 38-2609, 38-2707, 38-2853, 38-2924, 38-3120, 38-3212, 38-3327, and 38-3419, Reissue Revised Statutes of Nebraska; to provide for issuance of a temporary credential to the spouse of a military member based on reciprocity as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 89.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend sections 13-506 and 13-511, Revised Statutes Cumulative Supplement, 2016; to change published notice of hearing requirements; and to repeal the original sections.

**LEGISLATIVE BILL 90.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-305, Revised Statutes Cumulative Supplement, 2016; to provide for suitable accommodations by a public entity to an auditor employee as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 91.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to metabolic screening; to amend sections 71-519, 71-520, and 71-523, Reissue Revised Statutes of Nebraska; to change provisions relating to infant screening as prescribed; to change a fee; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 92.** Introduced by Kolterman, 24; Baker, 30; Howard, 9; Riepe, 12.

A BILL FOR AN ACT relating to telehealth; to require certain health carriers to provide coverage for certain services delivered through telehealth; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 93.** Introduced by Hansen, 26; Ebke, 32.

A BILL FOR AN ACT relating to law enforcement; to adopt the Automatic License Plate Reader Privacy Act.

**LEGISLATIVE BILL 94.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Nebraska Capital Expansion Act; to amend section 72-1263, Revised Statutes Cumulative Supplement, 2016; to increase the amount of funds offered to banks and other financial institutions as deposits; and to repeal the original section.

**LEGISLATIVE BILL 95.** Introduced by Crawford, 45; McCollister, 20.

A BILL FOR AN ACT relating to the cities and villages; to amend sections

18-2102.01, 18-2109, 18-2111, 18-2113, 18-2116, and 18-2117.01, Reissue Revised Statutes of Nebraska, and sections 18-2115, 18-2119, and 18-2147, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the Community Development Law and tax-increment financing; and to repeal the original sections.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 1CA.** Introduced by Murante, 49.

THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2018, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 22:

1-22 (1) All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.

(2) In order to combat voter fraud, preserve the relative power of each eligible citizen's right to vote, modernize the election infrastructure of the state, and ensure the integrity of the elections of the state so as to preserve the public confidence in the legitimacy of the elected government, each voter shall present identification that contains a photograph or digital image of the voter prior to being able to vote as provided by the Legislature. The Legislature shall provide specifications for the identification and the manner of presentation and for exemptions for specific situations in which requiring such identification would violate an individual's rights under the Constitution of the United States.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to require presentation of identification prior to voting as provided by the Legislature.

For

Against.

**LEGISLATIVE RESOLUTION 2.** Introduced by Crawford, 45; Blood, 3.

WHEREAS, the Bellevue West High School football team won the 2016 Class A State Football Championship; and

WHEREAS, the Bellevue West and Omaha North football teams were each undefeated in the 2016 regular season; and

WHEREAS, the Bellevue West football team showed skill, talent, and determination in winning the 2016 championship game with a score of 43-6; and

WHEREAS, head coach Mike Huffman and his coaching staff have served as mentors and leaders for all of the members of the team; 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 Bellevue West High School football team on winning the 2016 Class A State Football Championship.
2. That head coach Mike Huffman be congratulated for his efforts in teaching, coaching, and providing guidance to the members of the team.
3. That a copy of this resolution be sent to the Bellevue West High School football team and coach Mike Huffman.

Laid over.

**LEGISLATIVE RESOLUTION 3.** Introduced by Harr, 8.

WHEREAS, the Legislature finds and declares that the 43rd Legislature of Nebraska designated a banner for the State of Nebraska that "consist[ed] of a reproduction of the great seal of the State, charged on the center in gold and silver on a field of national blue" with the passage of House Roll 62, which was signed by the President of the House on March 28, 1925; and

WHEREAS, the 73rd Legislature of Nebraska adopted the 1925 banner as the official state flag of the State of Nebraska, hereby known as the Nebraska flag, with the passage of Legislative Bill 556 on April 10, 1963, and subsequent signature by the Governor on April 23, 1963; and

WHEREAS, national surveys, including those conducted by the North American Vexillological Association, frequently rank the Nebraska flag within the five worst flags of the fifty states; and

WHEREAS, the North American Vexillological Association gives the design of the Nebraska flag a poor grade based on the following reasons:

- (a) The application of the Great Seal of the State of Nebraska is an overly complex device, especially when viewed from a distance;
- (b) The Nebraska flag is nearly indistinguishable from the designs of nineteen other official state flags that also apply state seals, or portions thereof, on a field of blue;
- (c) The 19th century-specific references of the Nebraska flag's symbolism are too narrowly dated to provide a solid sense of timelessness; and
- (d) The use of writing on the Nebraska flag diminishes its symbolism; and

WHEREAS, the present Nebraska flag as defined by section 90-102 has proudly served the State of Nebraska for ninety-two years; and

WHEREAS, the Legislature further finds and declares that the possibility of a better-designed, more iconic Nebraska flag exists.

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

1. The Task Force on the Nebraska State Flag is created. The task force shall consist of ten members, including one member of the Legislature from each congressional district appointed by the Executive Board of the Legislative Council, two at-large members of the Legislature appointed by

the Executive Board, one person who is not a member of the Legislature from each congressional district appointed by the Executive Board, and two persons who are not members of the Legislature appointed at large by the Executive Board. The task force shall elect a chairperson from among the legislative members who shall call the meetings of the task force.

2. The task force shall develop a recommendation for the design of a new flag for the State of Nebraska which conforms to the flag design principles of established vexillologic organizations.

3. The Task Force on the Nebraska State Flag shall submit electronically a report to the Clerk of the Legislature with the task force findings on or before December 1, 2017.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR3 was referred to the Reference Committee.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 4.** Introduced by Blood, 3; Wayne, 13.

**PURPOSE:** Nitrate-nitrogen in the waterways is an ongoing issue for this state, as nitrates increasingly invade both our public and private water supplies. Human activity continues to introduce nitrates into waterways, with fertilizers, septic systems, animal waste, and nitrogen-bearing minerals in the soil all contributing to the problem. With the growing use of fertilizer, increasing livestock numbers, and expanding use of septic tanks, there is cause to be concerned about the elevated levels of nitrate-nitrogen and other chemicals impacting water quality in the state. Chemicals that are found in the waterways include chromium and chromium compounds and developmental toxins, such as lead and lead compounds, nitrates, phosphorous, and atrazine. Harmful bacteria, including E. coli, have also been detected. As commercial growth compounds the problem, it is important to understand what solutions or options may be available that can provide a cost-effective resolution to help protect Nebraska residents from negative health impacts.

This interim study shall specifically explore if the development of a more comprehensive water quality study is needed and if a nutrient management plan to improve water quality would benefit this state, including an analysis of best grasses for filtration and the best plantings for forests and crops in buffer areas.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **MOTION(S) - Print in Journal**

Senator Krist filed the following motion to LB13:

MO1  
Withdraw bill.

Senator Kolterman filed the following motion to LB28:

MO2  
Withdraw bill.

#### **MOTION - Escort Committees**

Senator Watermeier moved that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oaths of office.

The motion prevailed.

#### **RECESS**

At 11:20 a.m., on a motion by Senator Baker, the Legislature recessed until 1:30 p.m.

#### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

#### **ROLL CALL**

The roll was called and all members were present except Senators McCollister, Murante, and Schumacher who were excused until they arrive.

#### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 96.** Introduced by Crawford, 45; Blood, 3; Hansen, 26.

A BILL FOR AN ACT relating to economic development; to amend section 81-12,147, Revised Statutes Cumulative Supplement, 2016; to provide an eligible activity for assistance from the Site and Building Development Fund as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 97.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to cities; to amend sections 19-4030 and 19-4031, Revised Statutes Cumulative Supplement, 2016; to adopt the Riverfront Development District Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 98.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-3225 and 77-3442, Revised Statutes Cumulative Supplement, 2016; to extend certain levy authority for natural resources districts; and to repeal the original sections.

**LEGISLATIVE BILL 99.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to business entities; to amend sections 67-447 and 67-448, Reissue Revised Statutes of Nebraska, and sections 21-2,129, 21-2,130, 21-2,135, 21-2,140, 21-2,146, 67-448.01, and 67-448.02, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the conversion of corporations, partnerships, limited partnerships, and limited liability partnerships into other business entities; and to repeal the original sections.

**LEGISLATIVE BILL 100.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend section 71-963, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to petitions for removal of a person's firearm-related disabilities; and to repeal the original section.

**LEGISLATIVE BILL 101.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to state government; to amend section 81-1118, Reissue Revised Statutes of Nebraska, and section 73-506, Revised Statutes Cumulative Supplement, 2016; to change duration requirements for certain state agency contracts; and to repeal the original sections.

**PRESENTATION OF COLORS**

Presentation of Colors by the Nebraska Army National Guard.

**INAUGURAL CEREMONIES**

Chief Justice Michael G. Heavican, administered the Oath of Office to the newly elected state officials.

The Chief Justice and the newly elected state officials were escorted from the Chamber.

**VISITOR**

The Doctor of the Day was Dr. Dale Michels from Lincoln.

**ADJOURNMENT**

At 2:09 p.m., on a motion by Senator Morfeld, the Legislature adjourned until 10:00 a.m., Friday, January 6, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRD DAY - JANUARY 6, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 6, 2017

**PRAYER**

The prayer was offered by Senator Hilkemann.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator McCollister who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the second day was approved.

**MOTION(S) - Withdraw LB13**

Senator Krist offered his motion, MO1, found on page 70, to withdraw LB13.

The Krist motion to withdraw the bill prevailed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

**MOTION(S) - Withdraw LB28**

Senator Kolterman offered his motion, MO2, found on page 70, to withdraw LB28.

The Kolterman motion to withdraw the bill prevailed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 102.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-919, Reissue Revised Statutes of Nebraska; to change a penalty relating to tampering with witnesses or informants; and to repeal the original section.

**LEGISLATIVE BILL 103.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to education; to amend sections 79-1105, 79-1106, 79-1107, 79-1108, 79-1108.01, 79-1108.02, and 79-1108.03, Reissue Revised Statutes of Nebraska; to state findings; to change provisions relating to accelerated or differentiated curriculum programs; to require establishment of high-ability-learners' focus groups; to provide duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 104.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to health care decisions; to amend sections 20-405, 30-2628, 30-3420, and 83-4,157, Reissue Revised Statutes of Nebraska, and section 71-4843, Revised Statutes Cumulative Supplement, 2016; to provide for a surrogate to make health care decisions; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 105.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1552 and 25-1556, Reissue Revised Statutes of Nebraska; to change provisions relating to personal property exemptions in cases of forced sale on execution or attachment; and to repeal the original sections.

**LEGISLATIVE BILL 106.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to parental rights; to amend sections 43-254, 43-283.01, 43-292.02, 43-1411.01, and 43-2933, Reissue Revised Statutes of Nebraska; to change provisions relating to parental rights of a child conceived as a result of sexual assault; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 107.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to crimes and punishment; to amend sections 28-101, 28-318, 28-319, 28-319.01, 28-320, 28-320.01, 28-320.02, 28-813.01, 28-1463.04, and 28-1463.05, Reissue Revised Statutes of Nebraska; to prohibit sexual assault of a patient or client or a student; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 108.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to incarceration; to amend section 29-410, Reissue Revised Statutes of Nebraska, and section 83-186.01, Revised Statutes Cumulative Supplement, 2016; section 29-2261, Revised Statutes Cumulative Supplement, 2014, as amended by Laws 2015, LB504, section 1, to require guidelines to ensure safety of minor or dependent children upon arrest of a parent or guardian; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 109.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to schools; to amend section 79-813, Reissue Revised Statutes of Nebraska; to provide for issuance of a temporary certificate or permit to the spouse of a military member based on reciprocity as prescribed; to repeal the original section; and to declare an emergency.

**COMMITTEE ON COMMITTEES FINAL REPORT**

Senator Craighead moved to approve the following final Committee on Committees report:

Agriculture (8)

Rm. 2102 - Tuesday

Brasch (C), Albrecht, Blood, Chambers, Halloran, Harr, Krist, Lowe

Appropriations (9)

Rm. 1524 - Monday &amp; Tuesday

Rm. 1003 - Wednesday, Thursday, &amp; Friday

Stinner (C), Bolz, Hilkemann, Kintner, Kuehn, McDonnell, Vargas, Watermeier, Wishart

Banking, Commerce and Insurance (8)

Rm. 1507 - Monday &amp; Tuesday

Lindstrom (C), Baker, Brewer, Craighead, Kolterman, McCollister, Schumacher, Williams

Business and Labor (7)

Rm. 2102 - Monday

Albrecht (C), Chambers, Crawford, Halloran, Hansen, Howard, Lowe

Education (8)

Rm. 1525 - Monday &amp; Tuesday

Groene (C), Ebke, Erdman, Kolowski, Linehan, Morfeld, Pansing Brooks, Walz

General Affairs (8)

Rm. 1510 - Monday

Larson (C), Blood, Brasch, Harr, Krist, Quick, Riepe, Wayne

Government, Military and Veterans Affairs (8)

Rm. 1507 - Wednesday, Thursday, &amp; Friday

Murante (C), Blood, Brewer, Briese, Craighead, Hilgers, Lowe, Wayne

Health and Human Services (7)

Rm. 1510 - Wednesday, Thursday, &amp; Friday

Riepe (C), Crawford, Erdman, Howard, Kolterman, Linehan, Williams

Judiciary (8)

Rm. 1113 - Wednesday, Thursday, &amp; Friday

Ebke (C), Baker, Chambers, Halloran, Hansen, Krist, Morfeld, Pansing Brooks

Natural Resources (8)

Rm. 1525 - Wednesday, Thursday, &amp; Friday

Hughes (C), Albrecht, Bostelman, Geist, Kolowski, McCollister, Quick, Walz

Nebraska Retirement Systems (6)

Rm. 1525 - At call of Chair

Kolterman (C), Bolz, Groene, Kolowski, Lindstrom, Stinner

Revenue (8)

Rm. 1524 - Wednesday, Thursday, &amp; Friday

Smith (C), Brasch, Friesen, Groene, Harr, Larson, Lindstrom, Schumacher

Transportation and Telecommunications (8)

Rm. 1113 - Monday &amp; Tuesday

Friesen (C), Bostelman, Briese, Geist, Hilgers, Hughes, Murante, Smith

Urban Affairs (7)

Rm. 1510 - Tuesday

Wayne (C), Crawford, Hansen, Howard, Larson, Quick, Riepe

Committee on Committees (13)

Craighead (C)

District 1:

Kolterman

Morfeld

Pansing Brooks

Schumacher

District 2:

Harr

Hilkemann

Howard

Smith (VC)

District 3:

Erdman

Friesen

Groene

Kuehn

Enrollment and Review (1)

Wishart (C)

Reference (9)

Watermeier (C), Kuehn (VC), Bolz, Chambers, Crawford, Hughes, Larson, McCollister, Scheer, Stinner (nonvoting ex officio)

Rules (6)

Hilgers (C), Harr, Krist, Kuehn, Schumacher, Scheer (ex officio)

Executive Board of the Legislative Council (9)

Watermeier (C), Kuehn (VC), Bolz, Chambers, Crawford, Hughes, Larson, McCollister, Scheer, Stinner (nonvoting ex officio)

Senator Kintner requested a roll call vote.

The Committee on Committees report was approved with 39 ayes, 3 nays, 6 present and not voting, and 1 excused and not voting.

**ANNOUNCEMENT(S)**

The Committee on Committees elected Senator Smith as Vice Chairperson.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 110.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 2-3228, 12-101, 14-567, 14-1805.01, 14-2111, 15-1017, 16-1017, 16-1037, 19-3501, 23-1118, 23-3526, 71-1631.02, 79-987, 84-304, 84-304.02, and 84-1503, Revised Statutes Cumulative Supplement, 2016; to change duties and provisions relating to annual reporting requirements for certain retirement plans as prescribed; to change the duties of the Auditor of Public Accounts and the Public Employees Retirement Board; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 111.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to county officers; to amend sections 32-517, 32-518, 32-519, 32-520, 32-521, 32-522, 32-523, 32-524, 32-525, 32-526, 32-528, 32-529, and 32-609, Reissue Revised Statutes of Nebraska; to provide for nomination and election of county officers on the nonpartisan ballot; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 112.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to elections; to amend sections 32-202, 32-314, 32-329, 32-915, 32-929, 32-933, 32-935, 32-936, 32-1002, 32-1530, and 32-1532, Reissue Revised Statutes of Nebraska; to provide duties for the Secretary of State; to change provisions relating to voter registration and provisional ballots; to authorize provisional ballots for registered voters changing residence within Nebraska; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 113.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to municipalities; to amend sections 10-119, 12-401, 14-101, 14-117, 15-101, 15-102, 16-101, 17-301, 17-310, 17-311, 18-1753, 19-401, 19-414, 19-415, 19-418, 19-501, 19-602, 19-1102, 19-1827, 19-5101, 23-204, 31-501, 31-508, 32-538, 32-539, 39-207, 39-1328.01, 39-1804, 39-2103, 39-2106, 48-307, 48-1209.01, 53-124.14, 60-680, 60-6,120, 60-6,190, 70-408, 70-604.01, 79-407, 81-1417, 81-1430, 81-2102, 81-2107, 81-2109, and 81-2110, Reissue Revised Statutes of Nebraska, and sections 13-2705, 16-222.02, 17-101, 17-201, 17-306.01, 17-312, 17-313, 18-2709, 19-1101, 19-3501, 44-5502, 71-3305, 77-3,119, 81-8,122.01, and 81-15,153, Revised Statutes Cumulative Supplement, 2016; to change population thresholds of municipalities; to provide for a process by which a city of the primary class becomes a city of the metropolitan class; to change provisions regarding publication requirements; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 114.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,220, 60-6,221, and 60-6,222, Reissue Revised Statutes of Nebraska, and section 60-6,219, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to motor vehicle lighting requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 115.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to state funds; to direct the Nebraska Tourism Commission to provide for certain uses of a fund.

**LEGISLATIVE BILL 116.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-310, Revised Statutes Cumulative Supplement, 2016; to redefine the term automobile liability policy and change coverage provisions; and to repeal the original section.

**LEGISLATIVE BILL 117.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Investigational Drug Use Act.

**LEGISLATIVE BILL 118.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to adopt the Education Savings Account Act; to provide income tax adjustments; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 119.** Introduced by Groene, 42; Stinner, 48.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1022.02, 79-1027, and 79-1031.01, Reissue Revised Statutes of Nebraska, and sections 79-1022 and 79-1023, Revised Statutes Cumulative Supplement, 2016; to change the determination and certification dates relating to distribution of aid, certification of certain budget limitations as prescribed, and duties of the Appropriations Committee of the Legislature; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 120.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Revised Statutes Cumulative Supplement, 2016; to require a state plan amendment relating to coverage for family planning services; to state intent relating to appropriations; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 121.** Introduced by Kintner, 2; Brewer, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the taxation of military retirement benefits; and to repeal the original section.

**LEGISLATIVE BILL 122.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to families; to define terms; to provide for family member visitation petitions as prescribed; to provide for a hearing; and to provide for costs and fees as prescribed.

**LEGISLATIVE BILL 123.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to postsecondary educational institutions; to amend sections 85-173, 85-2401, 85-2403, and 85-2405, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide duties; to establish the Guaranty Recovery Cash Fund; to assess for-profit postsecondary institutions; to require bonds or other security agreements; to authorize claims resulting from the termination of operations; to change and eliminate provisions relating to educational institutions ceasing to function; to harmonize provisions; to repeal the original sections; and to outright repeal section 85-175, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 124.** Introduced by Baker, 30; Groene, 42; Hilkekmann, 4; Hughes, 44; Kolterman, 24; Krist, 10; Stinner, 48; Williams, 36.

A BILL FOR AN ACT relating to community colleges; to amend section

85-1534, Reissue Revised Statutes of Nebraska; to change a probationary period for teaching staff; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 125.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections 54-1,120 and 54-1,122.01, Revised Statutes Cumulative Supplement, 2016; to change application and fee requirements for registered feedlots and dairies; and to repeal the original sections.

**LEGISLATIVE BILL 126.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2912 and 77-5725, Revised Statutes Cumulative Supplement, 2016; to change sunset dates under the Nebraska Job Creation and Mainstreet Revitalization Act and the Nebraska Advantage Act; and to repeal the original sections.

**LEGISLATIVE BILL 127.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1411, Reissue Revised Statutes of Nebraska; to change provisions relating to notice of meetings of public bodies; and to repeal the original section.

**LEGISLATIVE BILL 128.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to ineligibility for Supplemental Nutrition Assistance Program benefits as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 129.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2016; to increase the earned income tax credit; and to repeal the original section.

**LEGISLATIVE BILL 130.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

A BILL FOR AN ACT relating to annexation; to amend sections 31-763, 31-764, 31-765, 31-766, and 35-514, Reissue Revised Statutes of Nebraska; to change provisions relating to annexation by municipalities of a sanitary and improvement district, road improvement district, or fire protection district; to harmonize provisions; and to repeal the original sections.



**LEGISLATIVE BILL 131.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-2901, Reissue Revised Statutes of Nebraska; to change a requirement for the territory of an urban growth district as prescribed; to change a provision relating to urban growth bonds and refunding bonds; and to repeal the original section.

**LEGISLATIVE BILL 132.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-622, 16-623, 16-901, and 16-902, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to improvement districts and extraterritorial zoning jurisdictions; and to repeal the original sections.

**LEGISLATIVE BILL 133.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend sections 17-105, 17-106, 17-107, 17-108, 17-108.02, 17-112, 17-113, 17-114, 17-117, 17-118, 17-119, 17-120, 17-121, 17-122, 17-124, 17-126, 17-127, 17-129, 17-130, 17-131, 17-132, 17-134, 17-136, 17-137, 17-138, 17-139, 17-140, 17-141, 17-142, 17-143, 17-145, 17-146, 17-147, 17-148, 17-149, 17-150, 17-151, 17-153, 17-154, 17-155, 17-157, 17-158, 17-159, 17-160, 17-161, 17-162, 17-163, 17-164, 17-165, 17-166, 17-167, 17-168, 17-169, 17-170, 17-171, 17-172, 17-174, 17-201.01, 17-202, 17-204, 17-205, 17-206, 17-207.01, 17-208, 17-209, 17-209.02, 17-210, 17-211, 17-212, 17-213, 17-214, 17-215, 17-216, 17-217, 17-218, 17-219, 17-219.01, 17-219.02, 17-219.03, 17-220, 17-222, 17-223, 17-224, 17-225, 17-229, 17-230, 17-231, 17-301, 17-302, 17-303, 17-304, 17-308, 17-309, 17-310, 17-311, 17-401, 17-402, 17-403, 17-404, 17-405, 17-405.01, 17-405.02, 17-405.03, 17-405.04, 17-405.05, 17-406, 17-407, 17-412, 17-414, 17-415, 17-416, 17-417, 17-418, 17-419, 17-420, 17-421, 17-422, 17-423, 17-424, 17-425, 17-426, 17-501, 17-502, 17-503, 17-503.02, 17-504, 17-505, 17-507, 17-508, 17-508.02, 17-509, 17-513, 17-514, 17-515, 17-516, 17-518, 17-519, 17-520, 17-521, 17-522, 17-523, 17-524, 17-526, 17-527, 17-528, 17-528.02, 17-528.03, 17-529, 17-529.01, 17-529.02, 17-529.03, 17-529.05, 17-529.06, 17-529.07, 17-529.08, 17-530, 17-531, 17-532, 17-533, 17-534, 17-535, 17-536, 17-537, 17-538, 17-540, 17-541, 17-542, 17-543, 17-545, 17-546, 17-547, 17-548, 17-549, 17-550, 17-551, 17-552, 17-554, 17-556, 17-557, 17-558, 17-559, 17-560, 17-561, 17-564, 17-565, 17-566, 17-567, 17-568, 17-568.01, 17-568.02, 17-569, 17-570, 17-571, 17-572, 17-601.01, 17-601.02, 17-602, 17-603, 17-604, 17-607, 17-608, 17-609, 17-610, 17-611, 17-612, 17-613, 17-615, 17-616,

17-701, 17-702, 17-703, 17-706, 17-708, 17-709, 17-710, 17-711, 17-713, 17-714, 17-715, 17-718, 17-720, 17-801, 17-802, 17-802.01, 17-803, 17-804, 17-805, 17-806, 17-807, 17-808, 17-810, 17-903, 17-905, 17-905.01, 17-906, 17-907, 17-908, 17-909, 17-910, 17-911, 17-912, 17-914, 17-916, 17-917, 17-918, 17-919, 17-920, 17-922, 17-923, 17-924, 17-925, 17-925.01, 17-925.02, 17-925.03, 17-925.04, 17-926, 17-933, 17-935, 17-936, 17-937, 17-938, 17-939, 17-940, 17-942, 17-943, 17-946, 17-947, 17-948, 17-949, 17-950, 17-951, 17-952, 17-953, 17-953.01, 17-954, 17-955, 17-957, 17-958, 17-959, 17-960, 17-962, 17-963, 17-964, 17-965, 17-966, 17-967, 17-968, 17-969, 17-970, 17-973, 17-974, 17-976, and 17-1003, Reissue Revised Statutes of Nebraska, and sections 17-101, 17-104, 17-110, 17-111, 17-123, 17-123.01, 17-149.01, 17-201, 17-207, 17-306.01, 17-312, 17-313, 17-510, 17-511, 17-512, 17-525, 17-539, 17-555, 17-557.01, 17-563, 17-605, 17-606, 17-614, 17-913, 17-921, 17-934, 17-941, 17-945, 17-971, 17-1001, and 17-1002, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to cities of the second class and villages; to provide, change, and eliminate notice requirements; to provide and change powers and duties; to eliminate provisions relating to the regulation of business and amusements on Sunday and provisions relating to railroads; to provide duties for the Revisor of Statutes; to harmonize provisions; to repeal the original sections; and to outright repeal sections 17-128, 17-133, 17-135, 17-144, and 17-915, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 134.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to agriculture; to amend sections 81-2,262, 81-2,263, 81-2,270, 81-2,271, 81-2,272.31, 81-2,281, 81-2,288, and 90-538, Reissue Revised Statutes of Nebraska, and sections 81-2,239 and 81-2,240, Revised Statutes Cumulative Supplement, 2016; to define terms; to change provisions of the Nebraska Pure Food Act; to provide for the regulation of eggs for human consumption as prescribed; to provide requirements and an exception for a food delivery service; to authorize facility, food, and records inspections by the Department of Agriculture as prescribed; to transfer funds to the Pure Food Cash Fund; to repeal the Nebraska Graded Egg Act and terminate the Graded Egg Fund; to eliminate penalties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-3501, 2-3502, 2-3503, 2-3504, 2-3505, 2-3506, 2-3507, 2-3508, 2-3509, 2-3510, 2-3511, 2-3512, 2-3513, 2-3514, 2-3515, 2-3516, 2-3518, 2-3519, 2-3520, 2-3521, 2-3522, 2-3523, 2-3524, and 2-3525, Reissue Revised Statutes of Nebraska.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 5.** Introduced by Larson, 40.

WHEREAS, the 2016 O'Neill Public High School football team won the State Class C-1 Football Championship by defeating Bishop Neumann 39 to 22; and

WHEREAS, the 2016 O'Neill Public High School football team won the school's first state championship football title in school history; and

WHEREAS, the 2016 O'Neill Public High School football team completed the championship season with an undefeated record of 13 wins and 0 losses; 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 2016 O'Neill Public High School football team on winning the State Class C-1 Football Championship.

2. That a copy of this resolution be sent to the 2016 O'Neill Public High School football team and Coach Brock Eichelberger.

Laid over.

### **VISITOR(S)**

Visitor to the Chamber was Macy Lloyd from UNL.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

### **ADJOURNMENT**

At 11:40 a.m., on a motion by Speaker Scheer, the Legislature adjourned until 9:00 a.m., Monday, January 9, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**FOURTH DAY - JANUARY 9, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 9, 2017

**PRAYER**

The prayer was offered by Senator Watermeier.

**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 Senator Groene who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the third day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB1	General File
LB2	General File
LB3	General File
LB4	General File
LB5	General File
LB6	Executive Board
LB7	Judiciary
LB8	Judiciary
LB9	Urban Affairs
LB10	Judiciary
LB11	Judiciary
LB12	Revenue
LB14	Education
LB15	Revenue
LB16	Banking, Commerce and Insurance
LB17	Banking, Commerce and Insurance

LB18	Health and Human Services
LB19	Health and Human Services
LB20	Revenue
LB21	Banking, Commerce and Insurance
LB22	Appropriations
LB23	Appropriations
LB24	Appropriations
LB25	Government, Military and Veterans Affairs
LB26	Judiciary
LB27	Government, Military and Veterans Affairs
LB29	Nebraska Retirement Systems
LB30	Nebraska Retirement Systems
LB31	Nebraska Retirement Systems
LB32	Nebraska Retirement Systems
LB33	Health and Human Services
LB34	Government, Military and Veterans Affairs
LB35	Banking, Commerce and Insurance
LB36	Government, Military and Veterans Affairs
LB37	Judiciary
LB38	Government, Military and Veterans Affairs
LB39	Judiciary
LB40	Transportation and Telecommunications
LB41	Transportation and Telecommunications
LB42	Transportation and Telecommunications
LB43	Transportation and Telecommunications
LB44	Revenue
LB45	Transportation and Telecommunications
LB46	Transportation and Telecommunications
LB47	Judiciary
LB48	Revenue
LB49	Revenue
LB50	Health and Human Services
LB51	Revenue
LB52	Revenue
LB53	Judiciary
LB54	Transportation and Telecommunications
LB55	Transportation and Telecommunications
LB56	Banking, Commerce and Insurance
LB57	Judiciary
LB58	Education
LB59	Health and Human Services
LB60	Judiciary
LB61	Health and Human Services
LB62	Education
LB63	Revenue
LB64	Health and Human Services
LB65	Revenue
LB66	Banking, Commerce and Insurance
LB67	Judiciary

LB68 Government, Military and Veterans Affairs  
 LB69 Revenue  
 LB70 Transportation and Telecommunications  
 LB71 Appropriations  
 LB72 Banking, Commerce and Insurance  
 LB73 General Affairs  
 LB74 Urban Affairs  
 LB75 Government, Military and Veterans Affairs  
 LB76 Government, Military and Veterans Affairs  
 LB77 Revenue  
 LB78 Transportation and Telecommunications  
 LB79 Nebraska Retirement Systems  
 LB80 Government, Military and Veterans Affairs  
 LB81 Judiciary  
 LB82 Transportation and Telecommunications  
 LB83 Transportation and Telecommunications  
 LB84 Judiciary  
 LB85 Government, Military and Veterans Affairs  
 LB86 Transportation and Telecommunications  
 LB87 Natural Resources  
 LB88 Health and Human Services  
 LB89 Government, Military and Veterans Affairs  
 LB90 Government, Military and Veterans Affairs  
 LB91 Health and Human Services  
 LB92 Banking, Commerce and Insurance  
 LB93 Judiciary  
 LB94 Nebraska Retirement Systems  
 LB95 Urban Affairs  
 LB96 Banking, Commerce and Insurance  
 LB97 Urban Affairs  
 LB98 Revenue  
 LB99 Banking, Commerce and Insurance  
 LB100 Judiciary  
 LB101 Government, Military and Veterans Affairs  
 LR1CA Government, Military and Veterans Affairs  
 LR3 Executive Board

Ashburn, William - Motor Vehicle Industry Licensing Board -  
 Transportation and Telecommunications  
 Aspen, Gwenn - Coordinating Commission for Postsecondary Education -  
 Education  
 Bader, Stephen - Nebraska Arts Council - General Affairs  
 Berggren, Patrick - Game and Parks Commission - Natural Resources  
 Brandt, Henry Rick - Game and Parks Commission - Natural Resources  
 Buckendahl, Chad W. - Technical Advisory Committee for Statewide  
 Assessment - Education  
 Budke, Stephan - Motor Vehicle Industry Licensing Board - Transportation  
 and Telecommunications  
 Davis, Jeffrey - Crime Victim's Reparations Committee - Judiciary

Dixon, Roger - Nebraska Tourism Commission - Government, Military and Veterans Affairs  
 Ernst, James - Game and Parks Commission - Natural Resources  
 Feller, Helen Abbott - State Racing Commission - General Affairs  
 Gard, Randy - Nebraska Ethanol Board - Natural Resources  
 Glidden, Mitch - Nebraska Tourism Commission - Government, Military and Veterans Affairs  
 Greckel, Shane - Nebraska Information Technology Commission - Transportation and Telecommunications  
 Hanus, Mary Beth - Nebraska Child Abuse Prevention Fund Board - Health and Human Services  
 Henning, Candy - Nebraska Arts Council - General Affairs  
 Hoffman, Dennis - Nebraska State Fair Board - Agriculture  
 Kelly, Joe P. - Crime Victim's Reparations Committee - Judiciary  
 Knoche, Lisa - Nebraska Child Abuse Prevention Fund Board - Health and Human Services  
 Marvin, Melissa - Nebraska Arts Council - General Affairs  
 Moody, Tony - Nebraska Tourism Commission - Government, Military and Veterans Affairs  
 Pflueger, Paula L. - Nebraska Arts Council - General Affairs  
 Sanders, Rita G. - Crime Victim's Reparations Committee - Judiciary  
 Schlegel, Carol - Nebraska Tourism Commission - Government, Military and Veterans Affairs  
 Schworer, Dennis - Motor Vehicle Industry Licensing Board - Transportation and Telecommunications  
 Shanahan, Mary - State Personnel Board - Government, Military and Veterans Affairs  
 Spray, Daniel - Nebraska Information Technology Commission - Transportation and Telecommunications  
 Williams, Thomas L. - Chief Medical Officer, Division of Public Health - Department of Health and Human Services - Health and Human Services  
 Wright, Reven - Nebraska Arts Council - General Affairs

(Signed) Dan Watermeier, Chairperson  
 Executive Board

### COMMUNICATION(S)

December 13, 2016

Mr. Patrick O'Donnell  
 Clerk of the Legislature  
 Room 2018  
 State Capitol Building  
 P.O. Box 94604  
 Lincoln, Nebraska 68509-4604

Dear Mr. O'Donnell:



Pursuant to the Provisions of Section 85-408, R.R.S. of Nebraska, 1943, Legislative approval is required for the following University of Nebraska projects:

**University of Nebraska - Lincoln, Demolition of Cather Hall, Pound Hall, and the Cather-Pound Dining Center (CPD Demolition).** The proposed project will demolish Cather Hall, Pound Hall and Cather-Pound Dining Center on the University of Nebraska - Lincoln, City Campus. The Board of Regents authorized this expenditure at its November 18, 2016 meeting. The total project is estimated to cost \$7,300,000.

This expenditure relates to the Bond Resolution dated December 1, 1964, authorizing the issuance of revenue bonds to finance the construction or acquisition and furnishing and equipping of buildings and facilities of the type specified in the Act on the University of Nebraska Lincoln campus, and under which a surplus fund and a replacement fund were created.

In order to operate efficiently and maintain maximum use and occupancy of the Facilities as defined under the 1964 resolution; the Board has issued its bonds under the 1964 Resolution to finance such Replacement Facilities as part of the Replacement Project; the revenues of such Replacement Facilities have been pledged for payment of the bonds issued under the 1964 Resolution; and additional funds are necessary to complete the demolition projects associated with the Replacement Project.

**Request.** The University requests approval of the CPD Demolition project to be financed from the Surplus Fund, held under the 1964 Resolution, to the Replacement Fund in the amount of \$7,300,000.

**University of Nebraska - Omaha, University Village Roof Repairs.** The University of Nebraska at Omaha proposes to expend \$825,000 from the 1984 Replacement Fund. The funds would be used for roof repairs. The Board of Regents authorized this expenditure at its November 18, 2016 meeting. The total project is estimated to cost \$825,000.

This expenditure relates to the Bond Resolution dated May 1, 1984, authorizing the issuance of Revenue Bonds by the Board of Regents. The Board has heretofore issued revenue bonds payable from the revenues and fees derived from the ownership and operation of the dormitories and other facilities for the housing and boarding of students, student unions, student health facilities and other facilities for the activities of students located on the campus of the University of Nebraska at Omaha, under which a 1995 Surplus Fund was created.

Section 6.2 of the Resolution requires the Board to operate the facilities in an efficient, sound and economical manner and to keep all facilities and betterments thereto in good repair, working order and condition and to make all necessary and proper repairs, renewals, replacements, additions, extension and betterments thereto, so that at all times the business carried on in connection therewith shall be properly and advantageously conducted.

**Request.** The University requests approval of the University Village Roof Repairs project in the amount of \$825,000 financed from the University of Nebraska at Omaha Student Fees and Facilities Revenue Bond Surplus Funds.

Attached for your reference are the agenda items and resolutions approved by the Board of Regents.

Thank you for your consideration of these projects.

Respectfully submitted,  
(Signed) Carmen K. Maurer  
Corporation Secretary

January 6, 2017

Senator Dan Watermeier  
Chairperson, Executive Board  
Room 2108  
State Capitol  
Lincoln, NE 68509

Dear Senator Watermeier,

Enclosed is correspondence from Carmen K. Maurer, Corporation Secretary for the Office of the President of the University of Nebraska. The correspondence relates to expenditure of bond funds for the following:

*University of Nebraska at Lincoln-Demolition of Cather Hall, Pound Hall, and the Cather-Pound Dining Center.*

*University of Nebraska at Omaha-University Village Roof Repairs.*

I am forwarding this correspondence to you for Executive Board action.

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

PJO:ck

enclosure

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board referred the University of Nebraska's request to issue revenue bonds to the Appropriations Committee for further consideration.

(Signed) Dan Watermeier, Chairperson  
Executive Board

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 8, 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

Abboud, Chris - Public Affairs Group  
DraftKings Inc.  
Manheims Omaha Auto Auction  
MasterCard  
Abraham, Christine K  
League of Nebraska Municipalities  
Adair, Peggy  
League of Women Voters of Greater Omaha  
Adams, Greg  
Nebraska Community College Association  
Adams, John H.  
International Gamco, Inc.  
Allen, Jennifer  
Nebraska Total Care  
Alston, Garth R.  
Altria Client Services LLC and its Affiliates  
Amack, Angela K.  
Center for People in Need  
Everytown for Gun Safety Action Fund  
Grand Island Public Schools  
International Brotherhood of Electrical Workers (IBEW)  
Nebraska Professional Fire Fighters Association (NPFPA)  
American Communications Group, Inc.  
American Cancer Society Cancer Action Network  
American Heart Association  
Association of Surgical Technologists  
Autism Speaks  
Center for Rural Affairs  
EHPV Lottery Services LLC aka Big Red Keno

Empyrean Brewing Company  
Friends of Public Health in Nebraska  
Health Center Association of Nebraska  
Legal Aid of Nebraska  
Nebraska Association of Behavioral Health Organizations  
Nebraska Association of Public Employees NAPE/AFSCME Local 61  
Nebraska Board of Engineers and Architects  
Nebraska Chapter of the American Physical Therapy Association  
Nebraska Child Health and Education Alliance  
Nebraska Dental Assistants Association  
Nebraska Investment Finance Authority  
Nebraska Psychological Association  
Nebraska Society for Respiratory Care  
Nebraska Speech-Language-Hearing Association (NSLHA)  
Nebraska State AFL-CIO  
North Central States Regional Council of Carpenters  
Regions II and V  
Research Nebraska!  
Teamsters Local Union 554  
The Nebraska Coalition for Lifesaving Cures  
Vigilnet America LLC  
Wind Coalition, The  
YMCA's of Nebraska

Anderson, Shannon M  
Licensed Practical Nurse Association of Nebraska (LPNAN)  
Nebraska Health Care Association, Inc.

Babcock, Marsha L.  
Mechanical Contractors Association of Omaha, Inc.

Badeer, Debra A.  
Nebraska Christian Home Educators Association

Baier, Richard J.  
Nebraska Bankers Association

Baird Holm LLP  
BHE Renewables, LLC  
Bluestem Energy Solutions  
Dundee Bank  
Geronimo Energy, LLC  
Great Plains Chapter of the American Society of Landscape Architects  
Immanuel Retirement Communities  
Nebraska Craft Brewers Guild  
Northeast Nebraska Public Power District  
Sandhills Wind Energy, LLC  
Turner Park North, LLC

Barrett, John R.  
Great Plains Communications, Inc.

Bartling, Kelly  
University of Nebraska

Becker, Jill  
Black Hills Energy

Becker, Timothy  
Heartland Strategy Group, LLC

Beerhmann, Allen J.  
Nebraska Press Association

Behmer, Nicole  
Jensen Rogert Associates, Inc.

Belka, Matt  
Nebraska Association of School Boards

Bell, David  
Loup River Public Power District

Benjamin, Melody  
Nebraska Cattlemen, Inc.

Benske, John  
Amgen

Beyer, Nolan  
Millard Public Schools

Blakely, Cassandra  
Nebraska Children and Families Foundation

Blunt, Andrew B.  
General Motors LLC

Boddy, Heath  
Nebraska Health Care Association, Inc.

Bohrer, Bruce J.  
Lincoln Chamber of Commerce

Bolen, Holley  
Bruning Law Group

Bonaiuto, John A.  
Nebraska Association of School Boards

Borgeson, Robert A.  
SMART-TD

Bourke, Nick  
Pew Charitable Trusts, The

Bowling, Karen  
Nebraska Family Alliance

Bradford, Jonathan  
Kissel/E&S Associates, LLC

Brady, Justin J.  
Radcliffe, Walter H. of Radcliffe and Associates

Brandt, Horan, Hallstrom and Stilmock  
National Federation of Independent Business (NFIB)  
Nebraska Bankers Association  
Nebraska Bankers Insurance and Services Company (NBISCO)  
Nebraska Fire Chiefs' Association  
Nebraska Pharmacists Association  
Nebraska State Volunteer Firefighters' Association  
Nebraskans for Workers' Compensation Equity and Fairness  
NetWorks, Inc.

Bredenkamp, Troy  
Nebraska Rural Electric Association

Bromm Nielsen & Mines  
3M COMPANY  
Aflac  
AHIP - America's Health Insurance Plans  
Cameco Resources  
Cargill  
Education Service Unit #3  
Educational Service Unit Coordinating Council  
Express Scripts Holding Co.  
Johnson & Johnson  
Mark Anthony Brands  
Merck Sharp and Dohme Corp.  
National Association of Insurance and Financial Advisors (NAIFA)  
Nebraska Agri-Business Association  
Nebraska Cable Communications Association  
Nebraska Corn Growers Association  
Nebraska Hotel & Lodging Association, Inc.  
Nebraska Humane Society  
Nebraska Insurance Information Service  
Nebraska Medical Center  
Nebraska State Athletic Trainers Association  
Papio Valley Preservation Association, Inc.  
Springfield Platteview Community Schools  
State Farm Insurance Companies  
Syngenta  
Verizon Communications, Inc.

Bromm, Curt  
Bromm Nielsen & Mines

Bromm, Jason  
Bromm Nielsen & Mines

Brown, Jill  
University of Nebraska

Bruckner, Traci  
Women's Fund of Greater Omaha, Inc.

Bruning Law Group  
amazon.com  
Bluestem Energy Solutions  
Facebook  
Johnson Controls, Inc.  
Kissel/E&S Associates, LLC  
National Rifle Association  
Nebraska Appropriated Basin Coalition  
Nebraska Licensed Beverage Association  
TracFone Wireless, Inc.  
Workday

Bruning, Deonne  
U.S. Cellular

Bruning, Jon  
Bruning Law Group

Buettner, Jeffrey J.  
Central Nebraska Public Power and Irrigation

Carstenson, Eric B.  
Nebraska Telecommunications Association

Carter, Jennifer  
FBLincoln  
Food Bank of the Heartland

Cavanaugh Law Firm, P.C., L.L.O.  
Explore Information Services  
Independent Insurance Agents of Nebraska  
Nebraska Chapter of the Sierra Club

Cavanaugh, James P.  
Cavanaugh Law Firm, P.C., L.L.O.

Cheloha, John A.  
City of Omaha

Chittenden, Michael J.  
Arc of Nebraska, The

Christensen, Graham  
GC Resolve, LLC  
GC ReVOLT, LLC

Clements, Steven J.  
Nebraska Investment Finance Authority

Conrad, Danielle  
ACLU Nebraska

Cookson, David D.  
Bruning Law Group

Cover, Joni  
Nebraska Pharmacists Association

CP Strategies LLC  
Nebraska Petroleum Producers Association  
Nebraska Total Care

Creager, Jennifer  
Greater Omaha Chamber

Cunningham, Colleen  
Equal Justice USA

Davidson Tribbs, Emma  
Everytown for Gun Safety Action Fund

Davis, Timothy  
New Hope 4 Lungs

Dibbern, Chris  
Nebraska Municipal Power Pool

Dietrich, Paige  
Center for Rural Affairs

Dix, Larry J.  
Nebraska Association of County Officials

Dobler, James B.  
Nebraska Insurance Information Service  
Professional Insurance Agents of Nebraska

Dubas, Annette  
Nebraska Association of Behavioral Health Organizations

Dudley, William H.  
Aflac

Dukesherer, James  
Nebraska Rural Electric Association

Dulaney, Michael S.  
Nebraska Council of School Administrators

Dunning, Eric  
Blue Cross and Blue Shield of Nebraska

Dunning, Matthew  
Nebraska Association of School Boards

Dwyer, Micheal  
Nebraska State Volunteer Firefighters' Association

Edson, Dean E.  
Nebraska Association of Resources Districts

Edwards, Jon  
Nowka and Edwards

Eickholt, Christopher  
ACLU Nebraska  
Nebraska Criminal Defense Attorneys Association

Erickson, Julie S.  
American Communications, Inc.

Ernst, Dan E.  
Nebraska Council of School Administrators

Falk, W. Jarad  
Charter Communications, Inc.

Faustman, Nicholas  
American Cancer Society Cancer Action Network

Ferrell, Beth Bazyn  
Nebraska Association of County Officials

Field, Laura  
Nebraska Cattlemen, Inc.

Foster, Susan  
Lincoln Education Association

Fox, Nicole  
Platte Institute for Economic Research

Fraizer, Theodore D. (Tad)/Fraizer & Fraizer  
American Insurance Association  
Mutual of Omaha

Frickel, Cheryl  
Nebraska Occupational Therapy Association

Frohman, Ann M.  
Ameritas Life Insurance Corp.

Fry, Renee  
OpenSky Policy Institute

Gay, Tim  
Husch Blackwell LLP



Gerloff, Jerianne  
Pfizer Inc.

Gerrard, Eric  
American Communications, Inc.  
City of Lincoln

Gilbert, Randall  
Gilbert, Randall

Gilbertson, Korby M.  
Radcliffe, Walter H. of Radcliffe and Associates

Girthoffer, Garner R.  
Baird Holm LLP

Goettmoeller, Jennifer M.  
First Five Nebraska

Gokie, Mark T.  
Farmers Mutual of Nebraska

Gottschalk, Kristen  
Nebraska Rural Electric Association

Grasz, Nate  
Nebraska Family Alliance

Grasz, Steve  
Husch Blackwell LLP

Habben, Jon  
Nebraska Rural Community Schools Association

Hack, Mace A.  
Nature Conservancy, The

Hale, Andy  
Nebraska Hospital Association

Hallstrom, Robert  
Brandt, Horan, Hallstrom and Stilmock

Hamilton, Hallie  
Nebraska Family Alliance

Handshy, Brian  
Renovate America, Inc.

Hansen, John K.  
Nebraska Farmers Union

Hapgood, Wade  
United Healthcare Services, Inc.

Harrold, Michael D.  
Express Scripts Holding Co.

Harrold, Patricia  
Nebraska Firearms Owners Association (NFOA)

Hartmann, William  
Nebraska One-Call Notification Center

Harvey, William F.  
EHPV Lottery Services LLC aka Big Red Keno  
Vigilnet America LLC

Hayes, Jason W.  
Nebraska State Education Association

Heartland Strategy Group, LLC  
Blue Cross and Blue Shield of Nebraska  
Consumer Technology Association  
Omaha Professional Firefighters Association

Hebb, Jeff  
Nebraska Realtors Association

Herrmann, Jessica  
Nebraska Cattlemen, Inc.

Higgins, Shirley  
Nebraska Public Power District

Hladik, Johnathan  
Center for Rural Affairs

Hoke, John Gregory  
Biotechnology Innovation Organization

Holmquist, David  
AARP Nebraska

Huddle, Stephanie  
Nebraska Domestic Violence Sexual Assault Coalition

Hunzeker, Mark A.  
Rath, Douglas and Kimberly

Hurley, Rachel  
Monsanto

Hurst, Elisabeth  
Nebraska Hospital Association

Husch Blackwell LLP  
Ash Grove Cement Company  
Asurion LLC  
Blue Cross and Blue Shield of Nebraska  
Enhanced Capital  
Home Instead, Inc.  
Invenergy LLC  
Koch Companies Public Sector, LLC and Affiliates  
KVC Health Systems, Inc.  
Nebraska Chiropractic Physicians Association  
Nebraska Families Collaborative  
Nebraska Intergovernmental Risk Management Association  
NextEra Energy Resources, LLC  
Papillion - La Vista School District  
Papio-Missouri River Natural Resources District  
Sarpy County Board of Commissioners  
Waste Management, Inc.

Intermill, Mark  
AARP Nebraska

Irsik, Ryan  
Wal-Mart Stores, Inc.

Jacobson, Mary  
Bruning Law Group

Jarecke, David A.  
Nebraska Rural Electric Association

Jarecke, Kate Kulesher  
Novartis Services, Inc.

Jarecke, Kate Kulesher - Advocacy and Issue Management Inc.  
Brain Injury Alliance of Nebraska

Jensen Rogert Associates, Inc.  
Altria Client Services LLC and its Affiliates  
Associated Builders and Contractors, Inc.  
DentaQuest, LLC  
Eli Lilly and Company  
Industrial Energy Users of Nebraska  
Kissel/E&S Associates, LLC  
LeadingAge Nebraska  
Learning Community of Douglas and Sarpy Counties  
Magellan Health, Inc.  
Mosaic  
Nebraska Association of Nurse Anesthetists  
Nebraska Dental Hygienists' Association  
Nebraska Intellectual Disabilities Services Providers  
Nebraska Optometric Association  
Nebraska Podiatric Medical Association  
Ponca Tribe of Nebraska  
Statewide Property Owners' Association  
Trilogy Integrated Resources, LLC

Jensen, Ronald L.  
Jensen Rogert Associates, Inc.

Jess, Carol  
Jess, Carol

Johnson, Larry  
Nebraska Trucking Association

Johnson, Mary A.  
Mueller Robak, LLC

Juhnke, Alan R  
Nebraska Pork Producers Association

Kanger, Jeff  
Nebraska Catholic Conference

Karl, Jamie  
Nebraska Chamber of Commerce & Industry

Karnes, David K.  
EHPV Lottery Services LLC aka Big Red Keno  
Nebraska Investment Finance Authority  
Vigilnet America LLC

Kay, Sara A.  
American Institute of Architects, Nebraska Chapter

Keigher & Associates, LLC  
Credit Management Services  
Iowa-Nebraska Equipment Dealers Association  
MillerCoors, LLC  
Nebraska AirBoat Association  
Nebraska Aviation Trade Association

Nebraska Community College Association  
Nebraska Land Improvement Contractors Association  
Professional Towers Association of Nebraska  
Keigher, Timothy P.  
Keigher & Associates, LLC  
Nebraska Petroleum Marketers & Convenience Store Association  
Kelley Governmental Relations, LLC  
Metro Area Transit (O-Metro)  
Kelley Plucker, LLC  
Advantage Capital  
Bennington Public Schools  
Cigar Association of America, Inc.  
Community Alliance, Inc.  
Creighton University  
CVS Health  
Daily Record, The  
Douglas County, Nebraska  
Eastern Nebraska Human Services Agency  
EHPV Lottery Services LLC aka Big Red Keno  
Elevator Industry Work Preservation Fund  
Johnson Brothers of Nebraska  
Lamar Outdoor Advertising Company  
Nebraska Collectors Association  
Nebraska Credit Union League  
Nebraska School Activities Association  
Nebraska State Lodge of the Fraternal Order of Police  
Nowka and Edwards  
Omaha Police Officers Association  
WellCare Health Plans, Inc.  
Westside Community Schools  
Kennedy, Barry L.  
Nebraska Chamber of Commerce & Industry  
Kenny, Timothy R.  
Nebraska Investment Finance Authority  
Kilgarin, Karen  
Nebraska State Education Association  
Kingery, Shannon L.  
RAI Services Co. (Reynolds American Inc.)  
Kissel/E&S Associates, LLC  
American Petroleum Institute  
Associated Beverage Distributors of Nebraska  
Burlington Northern Sante Fe (BNSF) Railway Company  
Kaplan Higher and Professional Education c/o David Adams  
Lancaster County Board of Commissioners  
March of Dimes  
Metropolitan Area Planning Agency  
Nebraska Association of Regional Administrators  
Nebraska CASA Association  
Nebraska Cooperative Council

Nebraska County Court Association  
Nebraska Golf Alliance  
Nebraska Municipal Power Pool  
Nebraska Regional Officials Council  
Nebraska State Historical Society Foundation  
Professional Engineers Coalition  
Ralston Public School District  
Spectra Energy  
Telecare Corporation  
United Cities of Sarpy County  
Koch, Brandon  
Farmers Group, Inc.  
Kohout, Joseph D.  
Kissel/E&S Associates, LLC  
Kohout, Victoria  
Research Nebraska!  
Koops, Berend  
Merck Sharp and Dohme Corp.  
Kopacki, Christopher  
National Rifle Association  
Krannawitter, Brian  
American Heart Association  
Kruse, Dacia D.  
RAI Services Co. (Reynolds American Inc.)  
Kubat, Rick  
Metropolitan Utilities District  
Landwehr, Susan M.  
Eli Lilly and Company  
Lassen, Robert  
AARP Nebraska  
Lautenbaugh, Scott  
Retirement Security Initiative  
Levy, David C.  
Baird Holm LLP  
Likes, Steven C.  
Nebraska Investment Finance Authority  
Lindsay, John C.  
O'Hara Lindsay & Associates, Inc.  
Litt, Matthew J.  
Americans for Prosperity  
Loeffler, Michael T.  
Northern Natural Gas  
Logsdon, Robert R.  
Cox Communications  
Lombardi, Richard A.  
American Communications, Inc.  
Loontjer, Pat  
Gambling with the Good Life

Lostroh, David L.  
Nebraska Christian Home Educators Association

Ludwig, David M.  
Educational Service Unit Coordinating Council

Luebbe, Lori  
Nebraska Soybean Association

Luedtke, Joselyn  
Bromm Nielsen & Mines

Luetkenhaus, Brandon  
Nebraska Credit Union League

Lyons, Liz  
Children's Hospital & Medical Center

Mach, Coby  
Lincoln Independent Business Association (LIBA)

Mallett, Rochelle A.  
O'Hara Lindsay & Associates, Inc.

Martin, Susan L.  
Nebraska State AFL-CIO

Marvin, Michael  
Nebraska Association of Public Employees NAPE/AFSCME Local 61

Matheson, Michael D.  
Grain Belt Energy Services

McBride, David S.  
Nebraska Optometric Association

McClure, Jeanne L.  
CHI Health

McClure, John C.  
Nebraska Public Power District

McClymont, Pete  
Nebraska Cattlemen, Inc.

McCullough, Jacqueline K.  
American Council of Engineering Companies/Nebraska  
Nebraska County Attorneys Association

McDonald, Sarah  
Werner Enterprises, Inc. and Subsidiaries

McDonald, Vickie  
Nebraska Association of Former State Legislators

McGowan, Kyle  
Nebraska Council of School Administrators

McGrain, Jordan  
Convention of States Action

McGuire, Mark D.  
Cameco Resources

McHale, Michael  
Nebraska Catholic Conference

McKee, Nancy  
Sunovion Pharmaceuticals Inc.

McKenzie, Janis M.  
Nebraska Association for the Gifted

Nebraska Insurance Federation  
McLarty, Brianna  
Nebraskans for Civic Reform  
Melotz, Shawn  
Papio Valley Preservation Association, Inc.  
Menzel, Elaine  
Nebraska Association of County Officials  
Meradith, Steve  
Windstream Communications  
Meurrens, Bradley  
Disability Rights Nebraska  
Meyer, Les  
American Life and Security  
Meyer, Patricia  
Nebraska Winery and Grape Growers Association (NWGGA)  
Mick, Ansley  
Nebraska Farm Bureau Federation  
Mikkelsen, Brian  
Nebraska State Education Association  
Mikolajczyk, Megan N  
Planned Parenthood of the Heartland  
Miller, Amy A.  
ACLU Nebraska  
Mines, Mick  
Bromm Nielsen & Mines  
Mollhoff, Janece  
League of Women Voters of Nebraska  
Monson, Andrew  
First Five Nebraska  
Moody, Christopher  
General Motors LLC  
Mueller Robak  
American Express Travel Related Services, Inc.  
Associated General Contractors of America, Nebraska Chapter  
AT&T, Inc.  
Chief Industries, Inc.  
Children and Family Coalition of Nebraska  
COPIC Insurance Company  
Data Recognition Corporation  
Duncan Aviation, Inc.  
Eastern Nebraska Development Council  
First Data Corporation  
Frenchman Cambridge Irrigation District  
GlaxoSmithKline  
Greenwich Biosciences, Inc.  
Integrated Life Choices  
Lincoln Airport Authority  
Madonna Rehabilitation Hospital  
Millard Public Schools

Millard Roofing and Gutter Company  
Nebraska Academy of Eye Physicians and Surgeons  
Nebraska Association of Airport Officials  
Nebraska Association of Commercial Property Owners  
Nebraska Court Reporters Association  
Nebraska Dental Association  
Nebraska District Court Judges Association  
Nebraska Independent Institution of Higher Education  
Nebraska Interactive  
Nebraska Land Title Association  
Nebraska Machinery Company  
Nebraska Medical Association  
Nebraska Methodist Health Systems  
Nebraska Press Association  
Nebraska Society of Independent Accountants  
Nebraska State Bar Association  
Nebraskans for Civic Reform  
New Venture Fund  
PayPal  
Pharmaceutical Research and Manufacturers of America  
Smithfield Foods, Inc.  
Stand for Schools  
State Troopers Association of Nebraska, Inc.  
Sugar Creek Capital  
Viaero Wireless (Withdrawn 01/05/2017)  
Women's Fund of Greater Omaha, Inc.  
Mueller, William J.  
Mueller Robak, LLC  
Neal, John P.  
Lincoln Public Schools  
Neilan Strategy Group  
Cavanaugh Law Firm, P.C., L.L.O.  
Tenaska  
Neilan, Perre S.  
Neilan Strategy Group  
Nelson, Stephen D.  
Nebraska Farm Bureau Federation  
Neville, Brennan S.  
National Indemnity Company  
Nickerson, Jocelyn S.  
Humane Society of the United States, The  
Nielsen, Coleen J.  
Bromm Nielsen & Mines  
Nolan, Michael J.  
League of Nebraska Municipalities  
Nowka & Edwards  
Adams Central Public Schools  
Anheuser-Busch Companies  
Bryan Health



Deloitte Consulting, LLP  
Digital Gaming Solutions, Inc.  
Elkhorn Public Schools  
Grand Island Northwest Public Schools  
Intoximeters, Inc  
Kelley Plucker, LLC  
Lakeview Community Schools  
Liberty Dental Plan (Withdrawn 12/13/2016)  
Metropolitan Utilities District  
National Utility Contractors Association of Nebraska, Inc. (NUCA)  
Nebraska Academy of Family Physicians  
Nebraska Academy of Nutrition and Dietetics  
Nebraska Acupuncture and Oriental Medicine Association  
Nebraska Association of Area Agencies on Aging  
Nebraska Association of County Officials  
Nebraska Association of Resources Districts  
Nebraska County Attorneys Association  
Nebraska Funeral Directors Association  
Nebraska Home Care Association  
Nebraska Pork Producers Association  
Nebraska Poultry Industries, Inc.  
Nebraska Public Power District  
Nebraska Rural Community Schools Association  
Nebraska Sheriffs' Association  
Nebraska Society of Radiologic Technologists  
Nebraska State College System  
Nebraska Water Coalition  
NET Foundation for Television  
OneMain Holdings, Inc  
Pfizer Inc.  
Southern Public Power District  
Union Pacific Railroad  
US Assets  
Nowka, Trent  
Nowka and Edwards  
O'Brien, Kelli Erin  
Union Pacific Railroad  
O'Hara Lindsay & Associates, Inc.  
4 Lanes 4 Nebraska  
Alliance of Automobile Manufacturers  
Alter Trading Corporation  
Black Hills Energy  
Blue Cross and Blue Shield of Nebraska  
Center Pivot Manufacturers Association  
City of Hastings  
City of Kearney  
City of Lexington  
City of Lincoln  
First National of Nebraska, Inc.

Gracie Technologies LLC  
Humanities Nebraska  
Institute of Scrap Recycling Industries, Inc., Northwest Chapter  
National Association of Housing and Redevelopment Officials, Nebraska  
Chapter  
Nebraska Association of Independent Ambulatory Centers  
Nebraska Association of Trial Attorneys  
Nebraska Beverage Association  
Nebraska County Judges Association  
Nebraska Kidney Coalition  
Nebraska Nurses Association  
Nebraska Rural Broadband Coalition  
Nebraskans For Alternatives to the Death Penalty  
Nebraskans for Rate Equity  
Northern Natural Gas  
Nucor Corporation  
Omaha Public Power District  
Omaha Public Schools  
Parkinson's Action Network  
Self Storage Association  
Teradata  
Vandelay Investments, LLC  
Winnebago Tribe of Nebraska

Orr, Scott  
FMR LLC

Orton, Leroy W.  
Nebraska Onsite Waste Water Association  
Nebraska State Irrigation Association  
Nebraska Well Drillers Association

Othmer, Mark F.  
Iowa-Nebraska Equipment Dealers Association

Otto, James A.  
Nebraska Restaurant Association  
Nebraska Retail Federation  
OneMain Holdings, Inc

Otto, Richard J.  
Nebraska Restaurant Association  
Nebraska Retail Federation  
OneMain Holdings, Inc

Pack, Mary M.  
Radcliffe, Walter H. of Radcliffe and Associates

Paden, Nicholas K.  
Cox Communications

Padilla, Julie  
Renovate America, Inc.

Parker, David R.  
Great West Casualty Company

Parr, Ann L.  
Farmers Mutual of Nebraska

Partington, Jim  
Nebraska Restaurant Association

Peetz & Company  
Advocates for Behavioral Health  
Aetna  
CHI Health  
Children's Hospital & Medical Center  
Cox Communications  
Durham Museum  
First Five Nebraska  
Kiewit Corporation  
Lockridge Grindal Nauen P.L.L.P.  
Metropolitan Entertainment & Convention Authority  
Microsoft Corporation  
Nebraska Nurse Practitioners  
Omaha Zoological Society  
School Employees' Retirement System of Douglas County School District 1  
Tenaska  
TradeWind Energy  
University of Nebraska  
Yahoo, Inc.

Peetz, Jack  
Peetz & Company

Peetz, Natalie  
Peetz & Company

Petersen, Scott  
Printing Industry Midwest (PIM)

Peterson, Chris  
CP Strategies LLC

Peterson, Patricia Schuett  
Nebraska Investment Finance Authority

Petsch, Jean  
Associated General Contractors - Nebraska Building Chapter

Pfeifer, Pat  
Nebraska State Legislative Board - Brotherhood of Locomotive  
Engineers and Trainmen

Pitts, Kathleen  
Nebraska Appleseed

Pollock, Andy  
Nebraska Defense Counsel Association  
Nebraska Library Association  
Nebraska Rural Telecommunications Coalition  
Nebraska Transportation Association  
Nebraska Travel Association (NETA)  
NorthWestern Energy  
Pillen Family Farms (formerly Progressive Swine Technologies)  
United Healthcare Services, Inc.  
Waste Connections of Nebraska, Inc.

Potter, Cara E.  
WellCare Health Plans, Inc.

Prockish, Ann  
CenturyLink

Prokop, Matthew  
American Cancer Society Cancer Action Network

Pulliam, Greg  
Exxon Mobil Corporation

Quick, Kim A.  
Nebraska Labor Unity Council c/o Teamsters Local 554

Radcliffe, Walter H. of Radcliffe and Associates  
Advance America c/o MultiState Associates, Inc.  
Altria Client Services LLC and its Affiliates  
Amgen  
Bellevue Public Schools  
Educators Health Alliance of Nebraska  
Enterprise Rent-A-Car  
Farm Credit Services of America  
Father Flanagan's Boys' Home aka Boys Town  
Father Flanagan's Boys' Home dba Boys Town National Research  
Hospital

Friends of Nebraska Parks  
HBAL/MOBA Coalition  
Ho-Chunk, Inc.  
Housing Policy Network  
Hy-Vee  
League of Nebraska Municipalities  
Lincoln Public Schools  
Media of Nebraska, Inc.  
Metropolitan Community College  
Motion Picture Association of America  
Nebraska Association of Health Underwriters (NAHU)  
Nebraska Broadcasters Association  
Nebraska Cable Communications Association  
Nebraska Cultural Endowment  
Nebraska Expressways for Economic Development (NEED)  
Nebraska Health Care Association, Inc.  
Nebraska Liquor Wholesalers  
Nebraska Optometric Association  
Nebraska Pyrotechnics Association  
Nebraska Realtors Association  
Nebraska Society of Certified Public Accountants  
Nebraska State Cemetery Association  
Nebraska State Fair Board  
Nebraska Telecommunications Association  
Pinnacle Bank  
Property Casualty Insurers Association of America  
Retirement Security Initiative  
Sanofi Pasteur c/o MultiState Associates Inc.  
Tyson Foods, Inc.

Redoutey, Laura J.  
Nebraska Hospital Association

Reece, Kaitlin  
Voices for Children in Nebraska

Reiser, Richard S.  
Nebraska Trucking Association

Rempe, Jay E.  
Nebraska Farm Bureau Federation

Renner, Shawn D.  
Media of Nebraska, Inc.

Rex, L. Lynn  
League of Nebraska Municipalities

Richards, Thomas  
Omaha Public Power District

Rieker, Bruce R.  
Nebraska Farm Bureau Federation

Riley, Christopher T.  
Archer Daniels Midland Company

Robak, Kim M.  
Mueller Robak, LLC

Rogert, Kent  
Jensen Rogert Associates, Inc.

Root, David  
Prime Therapeutics, LLC

Roque, Matthew  
ProRail Nebraska, Inc.

Rubel, Lauralie  
WellCare Health Plans, Inc.

Rubin, Barry R.  
Heartland Strategy Group, LLC

Ryan, June  
AARP Nebraska

Sahling-Zart, Shelley R.  
Lincoln Electric System

Sanne, Richard D.  
Nebraska Grain and Feed Association

Schaefer, Matthew T.  
Mueller Robak, LLC

Scherer, Larry  
Nebraska State Education Association

Schilz, Kenneth  
Bruning Law Group

Schmit-Albin, Julie  
Nebraska Right to Life

Schneider, David  
Convention of States Action

Schrader, Cora  
Peetz & Company

Schubauer, Tyler  
Ameritas Life Insurance Corp.

Schuller, Lynne  
Nebraska Horsemen's Benevolent and Protective Association  
Nebraska Propane Gas Association

Sears, Jay  
Nebraska State Education Association

Sedlacek, Ronald J.  
Husch Blackwell LLP  
Nebraska Chamber of Commerce & Industry

Seelhoff, Janet  
National Utility Contractors Association of Nebraska, Inc. (NUCA)  
Nebraska Home Care Association

Siefken, Kathy  
Nebraska Grocery Industry Association  
SHAZAM

Silke, Vanessa  
Baird Holm LLP

Sobotta, Russell  
Sanofi US

Spatz, John  
Nebraska Association of School Boards

Spohn, Katherine J.  
Bruning Law Group

Stilmock, Gerald M.  
Brandt, Horan, Hallstrom and Stilmock

Stoddard, Abigail  
Prime Therapeutics, LLC

Sullivan, J. Scott  
Nebraska Credit Union League

Summers, Juliet  
Voices for Children in Nebraska

Swanson, Heather  
Nebraska Affiliate of the American College of Nurse-Midwives

Thompson, Brian  
Consolidated Companies, Inc.

Todd, A. Loy, Jr.  
Nebraska New Car & Truck Dealers Association

Turner, Alexa  
Associated Builders and Contractors, Inc.

Uhe, Fred J.  
Sarpy County Board of Commissioners

Ullstrom, Galen F.  
Mutual of Omaha

Venzor, Tom  
Nebraska Catholic Conference

Vodvarka, Dan  
Nebraska Society of Certified Public Accountants

Vokal, James D., Jr.  
Platte Institute for Economic Research

Waite, Michelle  
University of Nebraska

Ward, Kathryn  
AARP Nebraska

Warth, Terry  
Nebraska Public Power District

Weber, Michelle  
Zulkoski Weber LLC

Weber, Rocky  
Nebraska Cooperative Council

Werner, Terry  
Nebraska Chapter of the National Association of Social Workers

Wesely, Don  
O'Hara Lindsay & Associates, Inc.

Weston, Christie  
Nebraska Investment Finance Authority

White, Rosemary  
AAA Nebraska and The Auto Club Group

Wickersham, William R.  
Nebraska Association of Former State Legislators

Wickman-Byrd, Barbara J.  
Nebraska State Home Builders Association

Wightman, Anna Castner  
First National of Nebraska, Inc.

Williams, Benjamin  
College Board

Williams, David M.  
Ameritas Life Insurance Corp.

Windle, J. Bub  
Mueller Robak, LLC

Wininger, Dwight R.  
Pinpoint Holdings, Inc.

Winter, Robert  
Greater Nebraska Schools Association

Withem, Ronald E.  
University of Nebraska

Wolf, Ron  
Nebraska State Irrigation Association

Wolfe, Jessica  
Greenwich Biosciences, Inc.

Wright, Sheryl L.  
League of Women Voters of Nebraska

Wurster, Donald F.  
National Indemnity Company

Yaki, Michael  
Renovate America, Inc.

Yost, Kurt T.  
 Central Nebraska Public Power and Irrigation  
 MM Finance, LLC  
 Nebraska Financial Services Association  
 Nebraska Independent Community Bankers

Young, Joseph  
 Nebraska Chamber of Commerce & Industry

Young, Philip  
 Americans For Electricity Choice

Youngberg, Steven Dr.  
 Nebraska Firearms Owners Association (NFOA)

Zalenski, Susan D.  
 Johnson & Johnson

Zink-Wythers, Jeanie  
 AARP Nebraska

Zulkoski Weber LLC  
 Bio Nebraska Life Sciences Association  
 Biotechnology Innovation Organization  
 Consortia Consulting  
 Ducks Unlimited, Inc.  
 Kum & Go  
 Nebraska Academy of Physician Assistants  
 Nebraska Broadband Coalition  
 Nebraska Hospital Association  
 Nebraska Veterinary Medical Association  
 Niobrara River Basin Alliance  
 Renewable Fuels Nebraska

Zulkoski, Katie W.  
 Zulkoski Weber LLC

Zych, Michelle  
 Women's Fund of Greater Omaha, Inc.

#### **ANNOUNCEMENT(S)**

The Banking, Commerce and Insurance Committee elected Senator Williams as Vice Chairperson.

The Health and Human Services Committee elected Senator Erdman as Vice Chairperson.

The Judiciary Committee elected Senator Pansing Brooks as Vice Chairperson.

The Nebraska Retirement Systems Committee elected Senator Lindstrom as Vice Chairperson.



**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 135.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 81-2,163 and 81-2,164.03, Reissue Revised Statutes of Nebraska; to change provisions relating to publicity; to eliminate a publication provision; to eliminate the power of the Director of Agriculture to designate a bureau as prescribed; to change provisions relating to the Agricultural Products Marketing Information Cash Fund; to repeal the original sections; and to outright repeal sections 81-2,164, 81-2,164.01, and 81-2,164.02, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 136.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1029 and 25-1056, Reissue Revised Statutes of Nebraska; to provide for release of certain property attached pursuant to an order of garnishment as prescribed; to change provisions relating to the effect of garnishment summons issued to financial institutions as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 137.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to life insurance; to adopt the Unclaimed Life Insurance Benefits Act; and to provide an operative date.

**LEGISLATIVE BILL 138.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to uniform transfer-on-death security registration; to amend section 30-2734, Reissue Revised Statutes of Nebraska; to define a term; to provide for transfer of business interests; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 139.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to county officers; to amend sections 32-101, 32-517, 32-518, 32-519, 32-520, 32-521, 32-522, 32-523, 32-524, 32-525, 32-526, 32-528, and 32-529, Reissue Revised Statutes of Nebraska; to authorize voters to vote regarding partisan or nonpartisan ballots for nomination and election of county officers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 140.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-101.01, 8-102, 8-104, 8-105, 8-106, 8-107, 8-109, 8-110, 8-111, 8-112,

8-113, 8-114, 8-116.01, 8-118, 8-119, 8-120, 8-122, 8-124, 8-124.01, 8-125, 8-126, 8-127, 8-129, 8-130, 8-132, 8-133, 8-137, 8-138, 8-139, 8-141, 8-143, 8-143.01, 8-144, 8-145, 8-147, 8-148, 8-148.01, 8-148.02, 8-148.04, 8-148.05, 8-148.07, 8-148.08, 8-150, 8-152, 8-158, 8-160, 8-161, 8-163, 8-164, 8-166, 8-167, 8-168, 8-169, 8-170, 8-171, 8-173, 8-174, 8-175, 8-177, 8-178, 8-179, 8-180, 8-182, 8-183, 8-183.04, 8-183.05, 8-184, 8-185, 8-186, 8-187, 8-188, 8-189, 8-190, 8-191, 8-192, 8-193, 8-194, 8-195, 8-196, 8-197, 8-198, 8-199, 8-1,100, 8-1,101, 8-1,102, 8-1,103, 8-1,104, 8-1,105, 8-1,106, 8-1,107, 8-1,108, 8-1,109, 8-1,110, 8-1,111, 8-1,112, 8-1,113, 8-1,115, 8-1,116, 8-1,117, 8-1,118, 8-1,119, 8-1,124, 8-1,125, 8-1,126, 8-1,127, 8-1,128, 8-1,129, 8-1,131, 8-1,133, 8-1,134, 8-1,135, 8-1,136, 8-1,137, 8-1,138, 8-1,139, 8-206, 8-207, 8-603, 8-701, 8-815, 8-820, 8-822, 8-826, 8-828, 8-2401, 28-612, 30-2602.02, 30-2640, 45-902, 45-919, 45-1103, and 49-1497, Reissue Revised Statutes of Nebraska, and sections 8-101, 8-103, 8-108, 8-116, 8-117, 8-128, 8-135, 8-153, 8-157, 8-157.01, 8-162.02, 8-167.01, 8-318, 8-601, 8-602, 8-702, 8-1401, 9-701, 45-335, and 45-1002, Revised Statutes Cumulative Supplement, 2016; to change provisions of the Nebraska Banking Act; to change provisions relating to Department of Banking and Finance and Director of Banking and Finance powers and duties, the management of banks and other financial institutions, safe deposit boxes, and the registration of mortgage loan originators; to adopt certain federal provisions; to change provisions relating to merger and consolidation of banks; to change provisions relating to department fees, assessments and fines; to change provisions relating to banks as personal representatives or administrators, bank records and files, bank subsidiary corporations, rewards, and certain notice to the Governor; to change and eliminate state provisions relating to the Federal Banking Act of 1933; to change and eliminate provisions relating to personal loans by banks and trust companies and the violation of such provisions; to change provisions relating to trust company powers; to change provisions relating to confidential records or information; to eliminate a duty of the department to issue a certificate and other approval duties; to redefine a term; to provide for applicability; to harmonize provisions; to repeal the original sections; and to outright repeal sections 8-121, 8-151, 8-1,120, 8-1,121, 8-816, 8-819, and 8-827, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 141.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to unclaimed property; to amend sections 2-1223, 8-170, 9-645, 21-1737, 21-19,145, 24-345, 24-708, 25-2717, 43-3344, 44-4845, 79-932, 79-956, 81-2025, 84-617, and 84-1317, Reissue Revised Statutes of Nebraska, and sections 21-2,202, 23-2315, 69-2304, and 69-2308, Revised Statutes Cumulative Supplement, 2016; to adopt the Revised Uniform Unclaimed Property Act; to eliminate the Uniform Disposition of Unclaimed Property Act; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 69-1302, 69-1303, 69-1304, 69-1305, 69-1305.01, 69-1305.02, 69-1305.03, 69-1306, 69-1307, 69-1307.01, 69-1307.02, 69-1307.03, 69-1307.04, 69-1307.05, 69-1308, 69-1309,

69-1310, 69-1311, 69-1312, 69-1313, 69-1314, 69-1315, 69-1316, 69-1318, 69-1318.01, 69-1319, 69-1320, 69-1321, 69-1322, 69-1323, 69-1324, 69-1325, 69-1326, 69-1327, and 69-1328, Reissue Revised Statutes of Nebraska, and sections 69-1301, 69-1307.06, 69-1307.07, 69-1317, and 69-1329, Revised Statutes Cumulative Supplement, 2016.

**LEGISLATIVE BILL 142.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to farm product security interests; to amend sections 52-1307 and 52-1603, Revised Statutes Cumulative Supplement, 2016; to redefine effective financing statement; to change provisions relating to the master lien list; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 143.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-363, Revised Statutes Cumulative Supplement, 2016; to provide a duty to carry exception for public power district motor vehicle or trailer registration certificates; and to repeal the original section.

**LEGISLATIVE BILL 144.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1016, Reissue Revised Statutes of Nebraska; to change the calculation of adjusted valuation for agricultural and horticultural land; and to repeal the original section.

**LEGISLATIVE BILL 145.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to fines and costs; to amend sections 29-2206, 29-2206.01, 29-2279, 29-2404, 29-2412, and 60-692, Reissue Revised Statutes of Nebraska, and section 60-4,100, Revised Statutes Cumulative Supplement, 2016; to provide for a hearing to determine a person's financial ability to pay fines or costs or a traffic citation and to provide for community service; to change provisions relating to procedures for suspending an operator's license; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 146.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to the Nebraska Probation Administration Act; to amend section 29-2264, Reissue Revised Statutes of Nebraska; to provide for set-asides of infractions as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 147.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation

Act; to amend section 48-125, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to additional compensation for waiting time, termination of compensation, and awarding of attorney's fees; and to repeal the original section.

**LEGISLATIVE BILL 148.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to finance; to amend sections 8-1102, 8-1103, 8-1107, 8-1109.01, 8-1109.02, 8-1110, 8-1115, 8-1116, 8-1117, 8-1122.01, and 8-1123, Reissue Revised Statutes of Nebraska, and sections 8-1101, 8-1106, 8-1108, 8-1108.01, 8-1109, 8-1111, 8-1118, and 8-1120, Revised Statutes Cumulative Supplement, 2016; to change provisions of the Securities Act of Nebraska; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 149.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB657, section 17; to reduce an appropriation; and to repeal the original section.

**LEGISLATIVE BILL 150.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2016; to provide for transfers; and to repeal the original section.

**LEGISLATIVE BILL 151.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the duties of the Auditor of Public Accounts; to require a report by certain state entities as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 152.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to fees; to amend sections 25-2154 and 33-109, Reissue Revised Statutes of Nebraska, and sections 52-1004 and 77-3903, Revised Statutes Cumulative Supplement, 2016; to change and eliminate provisions relating to the fees for recording and filing certain documents; and to repeal the original sections.

**LEGISLATIVE BILL 153.** Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to lobbying; to amend section 49-1492, Reissue Revised Statutes of Nebraska; to prohibit certain former officeholders and public employees from being lobbyists as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 154.** Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Safety of Dams and Reservoirs Act; to amend section 46-1657, Reissue Revised Statutes of Nebraska; to provide for the filing of a completion certificate without a filing fee; and to repeal the original section.

**LEGISLATIVE BILL 155.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to education; to state intent; and to provide for successful completion of a civics test as a prerequisite to high school graduation as prescribed.

**LEGISLATIVE BILL 156.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the 911 Service System Act; to amend section 86-1001, Revised Statutes Cumulative Supplement, 2016; to eliminate a termination date; to harmonize provisions; to repeal the original section; and to outright repeal section 86-1030, Revised Statutes Cumulative Supplement, 2016.

**LEGISLATIVE BILL 157.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-316, 86-318, 86-328, 86-902, 86-903, 86-904, and 86-905, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change a provision of the Nebraska Telecommunications Universal Service Fund Act; to change the prepaid wireless surcharge determination and duties of sellers and the Department of Revenue under the Prepaid Wireless Surcharge Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 158.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-272 and 43-3102, Reissue Revised Statutes of Nebraska; to change provisions relating to appointment of counsel for juveniles and standards for guardians ad litem and attorneys in juvenile court; to provide for rescission of a waiver of counsel by a juvenile; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 159.** Introduced by McCollister, 20; Craighead, 6; Linehan, 39; McDonnell, 5; Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-537, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to when special assessments are payable; and to repeal the original section.

**LEGISLATIVE BILL 160.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to crime victims; to amend section 29-119, Reissue Revised Statutes of Nebraska; to redefine victim; and to repeal the original section.

**LEGISLATIVE BILL 161.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5726 and 77-5735, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to a carryover period; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 162.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-111, 28-502, 28-503, 28-519, 28-918, 28-919, 28-920, and 28-1354, Reissue Revised Statutes of Nebraska; to change provisions relating to criminal mischief; to change and provide additional penalties for bribing or tampering with witnesses or informants and bribing a juror or jury tampering; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 163.** Introduced by Vargas, 7; Blood, 3; Chambers, 11; Kolowski, 31; Krist, 10; Linehan, 39; McDonnell, 5; Morfeld, 46; Wayne, 13; Wishart, 27.

A BILL FOR AN ACT relating to elections; to amend sections 32-904, 32-938, and 32-942, Reissue Revised Statutes of Nebraska; to provide for additional polling places prior to an election; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 6.** Introduced by Ebke, 32; Bostelman, 23; Brewer, 43; Erdman, 47; Friesen, 34; Groene, 42; Halloran, 33; Kolterman, 24; Larson, 40; Lindstrom, 18; Watermeier, 1; Williams, 36.

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

1. The Legislature of the State of Nebraska hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

2. The Clerk of the Legislature shall transmit copies of this application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of the Senate and House of Representatives from this state, and to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

3. This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject.

**LEGISLATIVE RESOLUTION 7.** Introduced by McCollister, 20; Craighead, 6.

WHEREAS, Andrew Easton, a teacher at Omaha Westside High School, was named by the Public Broadcasting Service as one of 52 Lead Digital Innovators from a pool of talented and innovative educators from across the United States and its territories; and

WHEREAS, Mr. Easton became a student himself by joining his own students in taking fellow Westside teacher Matt Rasgorshek's introduction to video class to learn how to use videos in his classroom to give students more instructional options; and

WHEREAS, Mr. Easton tries to use technology in nearly every facet of his teaching through sites like Animoto, nawnal and PowToon, as well as screen casts and presentations in Prezi to mix things up and make videos fun and educational; and

WHEREAS, Mr. Easton is a third-generation teacher who was inspired by his father and grandfather to serve other people and help students achieve their personal and educational goals; and

WHEREAS, Mr. Easton also serves Westside High School as head coach for the impressive boys' varsity cross country team, which competed in the state championship in 2016 for a record-setting fourth consecutive year; and

WHEREAS, Mr. Easton has earned the respect of his colleagues at Westside High School and in the Omaha education community. He is often mentioned in Westside's One-to-One Learning Initiative presentations as proof of the impact technology has on young learners.

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

1. That the Legislature congratulates Andrew Easton of Omaha Westside High School for being named the 2016 Lead Digital Innovator for Nebraska by the Public Broadcasting Service.

2. That a copy of this resolution be sent to Andrew Easton, Westside Community Schools Superintendent Blane McCann, Assistant Superintendent Mark Weichel, Director of Communications and Engagement Brandi Petersen, and Mr. Easton's video technology mentor, Matt Rasgorshek.

Laid over.

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services

Room 1510

Wednesday, January 18, 2017 1:30 p.m.

LB18  
LB19  
LB33

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

LB91  
LB59

(Signed) Merv Riepe, Chairperson

Government, Military and Veterans Affairs

Room 1507

Friday, February 10, 2017 1:30 p.m.

LB68

(Signed) John Murante, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, January 17, 2017 1:30 p.m.

LB45  
LB46

(Signed) Curt Friesen, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Chambers name added to LB85.  
Senator Bostelman name added to LB68.



**VISITOR(S)**

The Doctor of the Day was Dr. Roger Meyer from Utica.

**ADJOURNMENT**

At 10:12 a.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Tuesday, January 10, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTH DAY - JANUARY 10, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 10, 2017

**PRAYER**

The prayer was offered by Senator Lindstrom.

**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, Larson, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB102	Judiciary
LB103	Education
LB104	Judiciary
LB105	Judiciary
LB106	Judiciary
LB107	Judiciary
LB108	Judiciary
LB109	Education
LB110	Nebraska Retirement Systems
LB111	Government, Military and Veterans Affairs
LB112	Government, Military and Veterans Affairs
LB113	Urban Affairs
LB114	Transportation and Telecommunications
LB115	Appropriations
LB116	Banking, Commerce and Insurance
LB117	Health and Human Services
LB118	Revenue

LB119 Education  
LB120 Health and Human Services  
LB121 Revenue  
LB122 Judiciary  
LB123 Education  
LB124 Education  
LB125 Agriculture  
LB126 Revenue  
LB127 Government, Military and Veterans Affairs  
LB128 Health and Human Services  
LB129 Revenue  
LB130 Urban Affairs  
LB131 Urban Affairs  
LB132 Urban Affairs  
LB133 Urban Affairs  
LB134 Agriculture  
LB135 Agriculture  
LB136 Judiciary  
LB137 Banking, Commerce and Insurance  
LB138 Banking, Commerce and Insurance  
LB139 Government, Military and Veterans Affairs  
LB140 Banking, Commerce and Insurance  
LB141 Banking, Commerce and Insurance  
LB142 Banking, Commerce and Insurance  
LB143 Transportation and Telecommunications  
LB144 Education  
LB145 Judiciary  
LB146 Judiciary  
LB147 Business and Labor  
LB148 Banking, Commerce and Insurance  
LB149 Appropriations  
LB150 Appropriations  
LB151 Government, Military and Veterans Affairs  
LB152 Government, Military and Veterans Affairs  
LB153 Government, Military and Veterans Affairs  
LB154 Natural Resources  
LB155 Education  
LB156 Transportation and Telecommunications  
LB157 Transportation and Telecommunications  
LB158 Judiciary  
LB159 Urban Affairs  
LB160 Judiciary  
LB161 Revenue  
LB162 Judiciary  
LB163 Government, Military and Veterans Affairs  
LR6 Government, Military and Veterans Affairs

(Signed) Dan Watermeier, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARING(S)**  
Banking, Commerce and Insurance

Room 1507

Tuesday, January 17, 2017 1:30 p.m.

LB16  
LB21  
LB56  
LB99

(Signed) Brett Lindstrom, Chairperson

Appropriations

Room 1524

Tuesday, January 17, 2017 10:00 a.m.

LB22  
LB23  
LB24

Note: LB22 is scheduled at this time for official record purposes. Testimony on the overall budget proposal is appropriate, however testimony on specific appropriations issues should be presented at the date scheduled for the relevant agency. Fund transfers contained in LB22 will be addressed at this time. (Section 148)

Tuesday, January 17, 2017 1:30 p.m.

Agency 5 - Supreme Court  
Agency 14 - Public Service Commission  
Agency 15 - Parole, Nebraska Board of  
Agency 21 - State Fire Marshal  
Agency 31 - Military Department  
Agency 35 - Liquor Control Commission, Nebraska  
Agency 46 - Correctional Services, Department of  
Agency 64 - State Patrol, Nebraska  
Agency 78 - Nebraska Commission on Law Enforcement and Criminal  
Justice  
Agency 10 - Auditor of Public Accounts

Tuesday, January 17, 2017 3:30 p.m.

Agency 47 - Educational Telecommunications Commission, Nebraska  
Agency 48 - Coordinating Commission for Postsecondary Education  
Agency 50 - Nebraska State College System

Agency 51 - University of Nebraska System  
Agency 83 - Community College Aid  
Agency 72 - Economic Development, Department of  
Agency 34 - Library Commission, Nebraska  
Agency 13 - Education, Department of

Room 1525

Wednesday, January 18, 2017 10:00 a.m.

Agency 18 - Agriculture, Department of  
Agency 29 - Natural Resources, Department of  
Agency 33 - Game and Parks Commission  
Agency 54 - Historical Society, Nebraska State  
Agency 71 - Nebraska Energy Office  
Agency 84 - Environmental Quality, Department of  
Agency 85 - Public Employees Retirement Board, Nebraska

Wednesday, January 18, 2017 1:30 p.m.

Agency 3 - Legislative Council  
Agency 7 - Governor  
Agency 8 - Lieutenant Governor  
Agency 9 - Secretary of State  
Agency 11 - Attorney General  
Agency 12 - State Treasurer  
Agency 16 - Revenue, Department of  
Agency 32 - Educational Lands and Funds, Board of  
Agency 65 - Administrative Services, Department of  
Agency 69 - Arts Council, Nebraska  
Agency 77 - Industrial Relations, Commission of  
Agency 87 - Accountability and Disclosure Commission  
Agency 91 - Nebraska Tourism Commission  
Agency 93 - Tax Equalization and Review Commission

Wednesday, January 18, 2017 3:30 p.m.

Agency 23 - Labor, Department of  
Agency 28 - Veterans' Affairs, Department of  
Agency 67 - Equal Opportunity Commission  
Agency 68 - Latino-American Commission  
Agency 70 - Foster Care Review Board, State  
Agency 76 - Indian Commission, Nebraska  
Agency 81 - Commission for the Blind and Visually Impaired  
Agency 82 - Commission for the Deaf and Hard of Hearing  
Agency 25 - Health and Human Services

(Signed) John Stinner, Chairperson

**ANNOUNCEMENT(S)**

The Business and Labor Committee elected Senator Crawford as Vice Chairperson.

The General Affairs Committee elected Senator Harr as Vice Chairperson.

The Revenue Committee elected Senator Friesen as Vice Chairperson.

The Agriculture Committee elected Senator Blood as Vice Chairperson.

The Education Committee elected Senator Kolowski as Vice Chairperson.

**COMMUNICATION(S)**

January 6, 2017

Senator Dan Watermeier, Chair  
Legislative Executive Board  
State Capitol, Room 2108  
Lincoln, NE 68509

Dear Senator Watermeier:

The purpose of this letter is to provide clarity regarding the issuance of Attorney General Opinions to members of the Nebraska Legislature. Members of the Legislature are entitled to receive opinions from the office of Attorney General upon questions of law which arise "in the discharge of their duties."<sup>1</sup> The issuance of Attorney General Opinions to members of the Legislature is limited to valid legislative purposes.<sup>2</sup> Thus it is the continued policy of the Office of the Attorney General to issue opinions to senators only on matters concerning proposed or pending legislation and not for the personal benefit of a state senator or any private individual or entity on a senator's behalf.

As matters concerning proposed or pending legislation are implicitly matters of public concern, it is the policy of this office that all Attorney General Opinions issued in response to a request from a member of the Legislature will be formal opinions and that requests for informal opinions will not be granted to members of the Legislature. Formal opinions are published and are a matter of public record. Please review the enclosed document for further suggestions on ensuring that such requests are properly stated.

Thank you for your service to the people of Nebraska.

Sincerely,  
(Signed) Douglas J. Peterson  
Attorney General

cc: Patrick J. O'Donnell, Clerk of the Legislature  
State Senators

Enclosure

07-1096-29

<sup>1</sup> *Follmer v. State*, 94 Neb. 217, 142 N.W. 908 (1913); Neb. Rev. Stat. § 84-205(4) (2014).

<sup>2</sup> *See Nebraska Public Power District v. City of York*, 212 Neb. 747, 326 N.W.2d 22 (1982).

### OPINIONS OF THE ATTORNEY GENERAL

All state officers, including members of the Nebraska Legislature, are entitled to receive opinions of the Attorney General upon questions of law which arise "in the discharge of their duties." *Follmer v. State*, 94 Neb. 217, 142 N.W. 908 (1913); Neb. Rev. Stat. § 84-205(4) (2014).

#### The Opinion Process

- The process is initiated by presenting the Attorney General with a written request for an opinion which states the precise legal question which the state officer would like to have answered.
- When an opinion request is received, it is entered into a tracking system within the Department of Justice and assigned to a particular assistant attorney general for preparation of an opinion. In most cases, opinions are prepared by assistant attorneys general in the Legal Services Bureau of the Department of Justice. The attorney assigned to the opinion proceeds to research the legal issue(s) and write the opinion.
- After an opinion is completed, it is reviewed by the appropriate Bureau Chief, the Deputy Attorney General and the Attorney General.
- After approval by all parties, the opinion is assigned a number, issued and delivered to the officer who requested it.

Opinion requests, particularly those for formal opinions, are generally considered a matter of public record, and may be released to third parties in response to an appropriate inquiry.

- Time frames. It is more important to arrive at the correct legal answer in response to an opinion request than it is to provide a quick answer. Accordingly, preparation of Attorney General opinions generally takes anywhere from thirty to ninety days, depending on the nature of the question(s) presented and the nature of the opinion (formal or informal). The Attorney General understands that those time frames are consistent with or shorter than the time frames for opinions used by the attorneys general of other states. However, the Attorney General also understands the time constraints placed upon the legislative session. As a result, the Attorney General tries to give opinion requests from senators received during the legislative session additional priority and some measure of expedited treatment consistent with the availability of resources within the Department of Justice.



### **Formal And Informal Opinions Of The Attorney General**

- **Formal Opinions.** Formal opinions have a specific number and date and are a matter of public record. They are published on the Attorney General's website and on legal research services such as Westlaw. Those internet sources contain opinions from approximately 1978 through the present. In addition, bound volumes of Attorney General opinions are available in the State Library. Those materials date from the late 1800s through the present.
- **Informal Opinions.** Informal opinions are also assigned a specific number. However, they are issued only to the requestor and are not generally provided to the public or made a matter of public record. The Department of Justice has tracked informal opinions since 1991.
- Informal opinions generally relate to issues which are limited to a specific official or agency and which do not involve matters of statewide concern. Informal opinions are also often issued when there is a need to assert the attorney/client privilege.
- The final decision as to the nature of an opinion, formal or informal, and as to its release to the public or to other parties, is made by the Attorney General.

### **Opinions To State Senators**

- Opinions are issued to state senators for "valid legislative purposes" pertaining to pending or proposed legislation.
- The Attorney General will generally decline to issue opinions to legislators regarding the constitutionality of existing statutes, since it is the Attorney General's duty to defend those statutes in court if they are challenged.
- The Attorney General will also generally decline to issue opinions to legislators seeking interpretations of existing statutes, unless the interpretation is directly related to proposed or pending legislation, or unless the interpretation pertains directly to the performance of some function or duty of the Legislature itself.
- Attorneys with the Department of Justice are attorneys for the State of Nebraska and, as a result, may not issue private legal opinions or represent private parties. Therefore, state senators may not obtain legal opinions for their personal use or benefit, nor may they obtain opinions for the personal use or benefit of constituents, private individuals, or private entities.
- Since attorneys with the Department of Justice are attorneys for the State of Nebraska, and since governmental subdivisions in Nebraska (cities, counties, school districts, power districts, etc.) are separately represented by their own lawyers, state senators may not obtain legal opinions for governmental subdivisions.
- Opinions to state senators are always issued as formal opinions because legal questions pertaining to proposed legislation obviously involve matters of statewide interest and matters of interest to the entire legislative body.

- Op. Att'y Gen. No. 157 (December 20, 1985), which is attached, offers a more detailed discussion of the policies of the Attorney General with respect to the issuance of opinions to members of the Legislature.

#### **Suggestions For Making Opinion Requests**

- Opinion requests should always set out the specific legal concern or the specific legal question at issue with as much detail as possible. Questions such as, "Is this bill constitutional or legal?" may necessarily result in a general response from the Attorney General which may or may not be helpful.
- To expedite the opinion process, opinion requests should be accompanied by the relevant proposed or pending legislation and any pertinent amendments to that legislation. In addition, copies of any other documentary materials necessary to answer the questions presented should also be included with the request.
- The Attorney General understands that legislative staff and other individuals such as lobbyists often provide members of the Legislature with legal memoranda, legal research, or other materials regarding particular opinion requests or particular legislative issues. Providing those materials to us with the request as pertinent will also help us to expedite preparation of the opinion.
- As noted above, the Attorney General tries to give priority to opinion requests from senators during the legislative session. The Attorney General also tries to give priority to opinion requests when the circumstances surrounding that request warrant an expedited response. Accordingly, if a particular opinion request does require expedited treatment for some reason, so stating in the opinion request will help make us aware of the need for a quicker response.

07-1095-29

January 4, 2017

#### **MOTION(S) - Print in Journal**

Senator Chambers filed the following motion to LB68:

MO3

Rerefer to the Judiciary Committee, pursuant to Rule 6, Section 2(a).

Senator Chambers filed the following motion to LB59:

MO4

Rerefer to the Judiciary Committee, pursuant to Rule 6, Section 2(a).

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 164.** Introduced by Geist, 25.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-168.02, 60-3,126, 60-3,184, 60-4,168.01, 60-506.01, and 60-699, Reissue Revised Statutes of Nebraska, and sections 60-3,104, 60-3,104.01, 60-3,118, 60-3,120, 60-3,121, 60-3,122, 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,124, 60-3,125, 60-3,128, 60-3,161, 60-3,224, 60-3,227, 60-4,168, and 60-2904, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to trailers and cabin trailers; to authorize the Department of Motor Vehicles to keep and sell registration or certificate of title records on motorboats, all-terrain vehicles, utility-type vehicles, snowmobiles, and minibikes; to change commercial motor vehicle disqualification provisions; to change provisions relating to motor vehicle accident reports; to redefine a term under the Uniform Motor Vehicle Records Disclosure Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 165.** Introduced by Brewer, 43; Kintner, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2753, Reissue Revised Statutes of Nebraska; to require employer identification numbers and use of the federal immigration verification system as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 166.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-410, 28-411, 28-414, 28-414.01, 28-414.03, 28-442, 38-1,124, 38-1,125, 38-2801, 38-2802, 38-2836, 38-2866.01, 38-2867, 38-2870, 38-2892, 38-2894, 71-2412, and 71-2413, Reissue Revised Statutes of Nebraska, and sections 71-401, 71-2445, 71-2478, and 71-2479, Revised Statutes Cumulative Supplement, 2016; to change provisions of the Uniform Controlled Substances Act and the Pharmacy Practice Act; to change provisions relating to manufacturing, distributing, storing, prescribing, administering, dispensing, and recordkeeping for controlled substances; to change drug paraphernalia provisions; to define and redefine terms; to change and eliminate provisions relating to pharmacy technicians, pharmacist interns, and reporting of impaired practitioners; to eliminate provisions relating to temporary pharmacist licenses; to harmonize provisions; to repeal the original sections; to outright repeal sections 38-2853 and 38-2897, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 167.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to cannabidiol; to amend sections 28-401 and 28-405, Reissue Revised Statutes of Nebraska; to redefine marijuana; to include cannabidiol as a Schedule V controlled substance as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 168.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to insurance; to amend section 44-3,128.01, Reissue Revised Statutes of Nebraska; to change provisions relating to rights of subrogation of medical payments with respect to automobile liability policies; and to repeal the original section.

**LEGISLATIVE BILL 169.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to exempt social security benefits and retirement income from taxation as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 170.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

**LEGISLATIVE BILL 171.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 172.** Introduced by Albrecht, 17; Harr, 8.

A BILL FOR AN ACT relating to labor; to amend sections 8-716, 25-1912, 48-301, 48-606.01, 48-609, 48-612, 48-612.01, 48-613, 48-614, 48-616, 48-617, 48-618, 48-619, 48-620, 48-623, 48-624, 48-626, 48-627, 48-628, 48-628.01, 48-628.02, 48-628.03, 48-628.04, 48-628.05, 48-629, 48-629.01, 48-635, 48-638, 48-643, 48-645, 48-647, 48-648.02, 48-649, 48-650, 48-651, 48-654.01, 48-656, 48-662, 48-663, 48-664, 48-2903, 84-1301, and 84-1307, Reissue Revised Statutes of Nebraska, and sections 48-601, 48-602, 48-603.01, 48-604, 48-606, 48-621, 48-622.01, 48-622.02, 48-622.03, 48-625, 48-630, 48-631, 48-632, 48-634, 48-637, 48-644, 48-648, 48-652, 48-654, 48-655, 48-660.01, 48-663.01, 48-665, 48-675, 48-679, and 48-682, Revised Statutes Cumulative Supplement, 2016; to change and eliminate provisions relating to the Employment Security Law; to eliminate provisions relating to a merit system; to harmonize provisions;

to provide an operative date; to repeal the original sections; and to outright repeal sections 48-640, 48-641, 48-642, 48-646, and 81-402, Reissue Revised Statutes of Nebraska, and sections 48-648.01 and 48-669, Revised Statutes Cumulative Supplement, 2016.

**LEGISLATIVE BILL 173.** Introduced by Morfeld, 46; Crawford, 45; Hansen, 26; Howard, 9; Kolowski, 31; McCollister, 20; Pansing Brooks, 28; Vargas, 7; Walz, 15; Wayne, 13; Wishart, 27.

A BILL FOR AN ACT relating to discrimination; to amend sections 18-1724, 23-2525, 23-2531, 23-2541, 29-401, 48-215, 48-628.01, 48-1101, 48-1104, 48-1105, 48-1106, 48-1107, 48-1113, 48-1115, 48-1119, 48-1122, 48-1124, 49-801, 81-1355, and 81-1356, Reissue Revised Statutes of Nebraska, and sections 48-1111 and 48-1117, Revised Statutes Cumulative Supplement, 2016; to prohibit discrimination based upon sexual orientation and gender identity as prescribed; to change the Nebraska Fair Employment Practice Act; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 174.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2016; to adopt the Apprenticeship Training Program Tax Credit Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 175.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to students; to adopt the Student Online Personal Protection Act.

**LEGISLATIVE BILL 176.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to milldams; to repeal provisions relating to milldams; and to outright repeal sections 56-101, 56-115, 56-124, 56-125, 56-126, and 56-127, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 177.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-308, 66-1401, 66-1403, 66-1411, and 75-385, Reissue Revised Statutes of Nebraska, and sections 60-3,198 and 66-712, Revised Statutes Cumulative Supplement, 2016; to redefine apportionable vehicle and change provisions relating to fleet vehicles under the Motor Vehicle Registration Act; motor fuel tax collection and enforcement; to change provisions relating to the International Fuel Tax Agreement Act and the Compressed Fuel Tax Act; to eliminate the requirement of appointment of the Administrator of Motor Carrier Services by the Director of Motor Vehicles; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 178.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 25-2740, 28-101, 28-311.04, 28-358.01, 28-1206, 29-404.02, and 29-422, Reissue Revised Statutes of Nebraska; to provide for sexual assault protection orders; to define and redefine terms; to provide a penalty; to change provisions relating to court procedures, penalties for stalking, possession of a weapon by a prohibited person, and arrests without warrants; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 179.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to children and youth; to amend sections 29-2260.02, 43-1311.03, 43-4502, 43-4504, 43-4505, 43-4508, 43-4510, 43-4511.01, and 43-4514, Reissue Revised Statutes of Nebraska, and section 71-1902, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the Title IV-E state plan and a written independent living transition proposal as prescribed; to change provisions relating to intent, eligibility, extended services and support, and court-appointed representation under the Young Adult Bridge to Independence Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 180.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-2,129 and 43-2924, Reissue Revised Statutes of Nebraska; to provide for bridge orders transferring juvenile court jurisdiction of a juvenile to a district court as prescribed and application of the Parenting Act to such orders; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 181.** Introduced by Quick, 35; Chambers, 11; Crawford, 45; Hansen, 26; Howard, 9; McDonnell, 5; Pansing Brooks, 28; Vargas, 7.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-134, Reissue Revised Statutes of Nebraska; to provide for reimbursement to employees for certain medical examinations; and to repeal the original section.

**LEGISLATIVE BILL 182.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Drinking Water State Revolving Fund Act; to amend section 71-5322, Revised Statutes Cumulative Supplement, 2016; to change the powers and duties of the Department of Environmental Quality; and to repeal the original section.

**LEGISLATIVE BILL 183.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to elections; to amend sections 32-101, 32-517, 32-518, 32-519, 32-520, 32-521, 32-522, 32-523, 32-524, 32-525, 32-526, 32-528, 32-529, 32-615, 32-810, 32-811, 32-813, 32-814, 32-815,

and 32-817, Reissue Revised Statutes of Nebraska; to change provisions relating to nomination and election of county officers in certain counties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 184.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to loan brokers; to amend sections 45-191.01 and 45-191.04, Reissue Revised Statutes of Nebraska, and section 45-190, Revised Statutes Cumulative Supplement, 2016; to redefine a term; to change provisions relating to loan brokerage agreements, disclosure documents, and rights to cancel; and to repeal the original sections.

**LEGISLATIVE BILL 185.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to finance; to amend section 45-1009, Reissue Revised Statutes of Nebraska, and sections 8-2733 and 45-346, Revised Statutes Cumulative Supplement, 2016; to provide procedure and notice requirements and powers and duties for the Department of Banking and Finance with respect to abandoned license applications under the Nebraska Money Transmitters Act, the Nebraska Installment Sales Act, and the Nebraska Installment Loan Act; and to repeal the original sections.

**LEGISLATIVE BILL 186.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Money Transmitters Act; to amend section 8-2727, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to licensee surety bonds; and to repeal the original section.

**LEGISLATIVE BILL 187.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1111, Revised Statutes Cumulative Supplement, 2016; to increase a dollar threshold for transactions exempt from registration under the act and provide for adjustment of such amount; to provide for the effect of certain exempt sales on malpractice insurance premiums; and to repeal the original section.

**LEGISLATIVE BILL 188.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to sexual assault; to amend sections 43-254, 43-283.01, 43-292.02, 43-1411.01, and 43-2933, Reissue Revised Statutes of Nebraska; to change provisions relating to paternity of a child conceived as a result of sexual assault; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 189.** Introduced by Howard, 9; Bolz, 29; Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services for recruitment and retention of caseworkers.

**LEGISLATIVE BILL 190.** Introduced by Kintner, 2.

A BILL FOR AN ACT relating to the Tobacco Products Tax Act; to amend section 77-4008, Reissue Revised Statutes of Nebraska; to change provisions relating to the tax on cigars, cheroots, and stogies as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 191.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to court procedure; to amend sections 42-924, 42-925, 43-1609, and 43-1611, Reissue Revised Statutes of Nebraska; to provide a procedure to renew a protection order; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 192.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to juries; to amend sections 25-412.04, 25-1107.01, 25-1108, 25-1121, 25-1313, 25-1601, 25-1601.03, 25-1602, 25-1603, 25-1606, 25-1607, 25-1611, 25-1612, 25-1625, 25-1626, 25-1627, 25-1628, 25-1629, 25-1629.01, 25-1629.02, 25-1631, 25-1631.03, 25-1632, 25-1632.01, 25-1633, 25-1634, 25-1634.01, 25-1634.02, 25-1635, 25-1636, 25-1637, 25-1639, 25-1640, 25-1641, 25-2705, 28-916, 29-1201, 29-2003, 29-2011, 29-2017, 29-2023, and 33-138, Reissue Revised Statutes of Nebraska; to name the Jury Selection Act; to define terms; to change provisions relating to juror qualifications and exemptions and excuses from jury service; to change terminology relating to juries; to change provisions relating to jury lists and summoning juries, jury commissioners, initial and subsequent jury panels, excess jurors, special jury panels in criminal cases, extra jurors, tales jurors, grand juries, jurors' notes, jurors viewing property or a place material to litigation, demands for jury trials, and compensation for jurors; to provide duties for clerk magistrates; to change terminology relating to verdicts and court proceedings; to harmonize provisions; to repeal the original sections; and to outright repeal sections 25-1609, 25-1626.02, 25-1627.01, 25-1629.03, 25-1629.04, 25-1630, 25-1633.01, 25-1634.03, 25-1642, and 25-1643, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 193.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to courts; to amend section 29-2407, Reissue Revised Statutes of Nebraska, 2008, sections 15-1202, 15-1203, 24-303, 24-729, 25-410, 25-412, 25-533, 25-602, 25-901, 25-915,



25-1031.02, 25-1121, 25-1126, 25-1129, 25-1149, 25-1301, 25-1301.01, 25-1303, 25-1305, 25-1318, 25-1415, 25-1416, 25-1504, 25-1510, 25-1521, 25-1531, 25-1578, 25-1587.04, 25-1587.06, 25-1635, 25-1912, 25-21,212, 25-21,228, 25-21,271, 25-2205, 25-2207, 25-2209, 25-2211, 25-2213, 25-2234, 25-2704, 25-2706, 25-2707, 25-2721, 25-2729, 25-2731, 25-3401, 28-814, 29-1302, 29-1407.01, 29-1414, 29-1418, 29-1705, 29-1802, 29-1816.01, 29-2001, 29-2023, 29-2315.01, 29-2321, 29-2413, 29-3903, 29-4007, 30-2429.01, 30-2488, 30-2608, 31-320, 31-329, 32-1412, 33-103, 33-106, 33-106.01, 33-106.02, 33-106.03, 33-107.02, 33-131, 33-140.03, 35-102, 37-1283, 42-364, 42-372.02, 43-102, 43-2,108, 43-2,112, 43-2,113, 43-1906, 44-2006, 46-554, 48-1119, 76-717, 76-723, 81-8,211, 81-1848.03, and 84-712.03, Reissue Revised Statutes of Nebraska, and sections 16-729, 44-4828, 48-3511, 50-406, 60-166, and 71-6903, Revised Statutes Cumulative Supplement, 2016; to define terms; to change and eliminate record and recording requirements and change terminology; to provide for, change, and eliminate provisions relating to retention and disposition of records; to change provisions relating to the duties of court clerks; to eliminate a filing requirement for volunteer fire departments; to provide a duty for the State Court Administrator; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-337, 24-348, 25-1319, 25-1320, 25-1321, 25-1322, 25-2210, 25-2211.01, 25-2211.02, and 25-2616, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 194.** Introduced by Vargas, 7; Linehan, 39.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend sections 45-804, 45-902, 45-904, 45-906, 45-907, 45-908, 45-911, 45-915, 45-915.01, 45-917, 45-918, 45-919, 45-921, 45-922, 45-923, 45-925, and 45-1001, Reissue Revised Statutes of Nebraska, and sections 45-901, 45-910, and 45-927, Revised Statutes Cumulative Supplement, 2016; to change provisions of the Credit Services Organization Act, the Delayed Deposit Services Licensing Act, and the Nebraska Installment Loan Act; to define and redefine terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 195.** Introduced by Craighead, 6; Albrecht, 17; Blood, 3; Brasch, 16; Linehan, 39; Pansing Brooks, 28; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to health and human services; to require notification following mammography as prescribed.

**LEGISLATIVE BILL 196.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1,140, 8-355, and 21-17,115, Revised Statutes Cumulative Supplement, 2016; to revise powers of state-chartered banks, building and loan associations, and credit unions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 197.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to elections; to amend sections 32-808, 32-941, and 32-943, Reissue Revised Statutes of Nebraska; to provide for application for ballots to vote early on the Secretary of State's web site; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 198.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to the Crimes Against Children Fund; to amend section 81-1429.01, Reissue Revised Statutes of Nebraska; to terminate the fund; and to repeal the original section.

**LEGISLATIVE BILL 199.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to counties; to eliminate certain state aid to counties; and to outright repeal sections 23-362 and 23-362.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 200.** Introduced by Lowe, 37; Albrecht, 17; Briese, 41; Halloran, 33; Kuehn, 38; Williams, 36.

A BILL FOR AN ACT relating to county roads; to amend section 39-1506, Reissue Revised Statutes of Nebraska; to change a provision relating to county highway superintendent qualifications; and to repeal the original section.

**LEGISLATIVE BILL 201.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to criminal law; to amend sections 28-915, 29-812, 29-813, 29-814.01, 29-814.02, 29-814.04, 29-814.05, 29-814.06, 29-815, 29-817, and 29-821, Reissue Revised Statutes of Nebraska, and section 21-2,212, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to perjury; to change and eliminate provisions relating to the issuance of search warrants; to harmonize provisions; to repeal the original sections; and to outright repeal section 29-814.03, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 202.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-901, Reissue Revised Statutes of Nebraska; to create the offense of obstructing government operations by refusal to submit to a chemical test authorized by search warrant; to provide penalties; and to repeal the original section.

**LEGISLATIVE BILL 203.** Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-626 and 48-628, Reissue Revised Statutes of Nebraska; to change provisions relating to maximum annual unemployment benefit

amounts and disqualification from unemployment benefits; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 204.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to court procedures; to amend section 24-1106, Reissue Revised Statutes of Nebraska, 2008, and section 25-1332, Reissue Revised Statutes of Nebraska; to change provisions relating to appeals to the Supreme Court, service on employees of the state, and summary judgment; and to repeal the original sections.

**LEGISLATIVE BILL 205.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to designate funds appropriated to the Department of Health and Human Services for state aid.

**LEGISLATIVE BILL 206.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services for a rate increase for providers of developmental disability services.

**LEGISLATIVE BILL 207.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Office of Inspector General of Nebraska Child Welfare Act; to amend sections 43-4301, 43-4318, 43-4323, 43-4327, and 43-4328, Reissue Revised Statutes of Nebraska; to change provisions relating to investigative duties, counsel fees, and distribution of and responses to reports; to prohibit certain personnel actions as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 208.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.21, Reissue Revised Statutes of Nebraska; to change provisions relating to broker trust accounts; and to repeal the original section.

**LEGISLATIVE BILL 209.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend sections 84-901 and 84-901.03, Revised Statutes Cumulative Supplement, 2016; to redefine a term; to change provisions relating to an index as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 210.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to the Legislative Performance Audit Act; to amend sections 50-1205.01 and 50-1210, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to standards and external quality control reviews; to change provisions relating to audit reports as

prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 211.** Introduced by Hansen, 26; Blood, 3; Howard, 9; Kolowski, 31; Morfeld, 46; Quick, 35; Vargas, 7.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1205, Reissue Revised Statutes of Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement, 2016; to change the minimum wage for persons compensated by way of gratuities; to change provisions relating to the posting of information; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 212.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to public safety officials; to adopt the In the Line of Duty Compensation Act; and to provide an operative date.

**LEGISLATIVE BILL 213.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to the Unfair Insurance Claims Settlement Practices Act; to amend section 44-1540, Revised Statutes Cumulative Supplement, 2016; to add an unfair claims settlement practice; and to repeal the original section.

**LEGISLATIVE BILL 214.** Introduced by Halloran, 33; Briese, 41; Erdman, 47; Groene, 42; Lowe, 37.

A BILL FOR AN ACT relating to education; to amend sections 79-8,125, 79-8,127, 79-8,129, and 79-8,130, Reissue Revised Statutes of Nebraska; to provide for termination of the Master Teacher Program; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 215.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-908, 77-2715.07, 77-2717, 77-2734.03, and 77-3806, Revised Statutes Cumulative Supplement, 2016; to adopt the Nebraska E-15 Tax Credit Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 216.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to redistricting; to amend section 49-1499.03, Reissue Revised Statutes of Nebraska, and section 49-1493, Revised Statutes Cumulative Supplement, 2016; to adopt the Redistricting Act; to require statements of financial interest and conflict of interest statements as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 217.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section

77-3517, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the accrual of interest on denied and reduced homestead exemptions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 218.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to irrigation; to provide for installation of ground water pumps by public entities; to provide powers and duties; and to provide for rules and regulations.

**LEGISLATIVE BILL 219.** Introduced by Nebraska Retirement Systems Committee: Kolterman, 24, Chairperson; Bolz, 29; Groene, 42; Kolowski, 31; Lindstrom, 18; Stinner, 48.

A BILL FOR AN ACT relating to retirement; to amend sections 24-701, 84-1301, and 84-1319, Reissue Revised Statutes of Nebraska, and sections 23-2301, 23-2317, 79-902, and 81-2014, Revised Statutes Cumulative Supplement, 2016; to redefine terms; to change provisions relating to authorized benefit elections; to change provisions relating to actuarial assumptions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 220.** Introduced by Harr, 8; Lindstrom, 18.

A BILL FOR AN ACT relating to the Insured Homeowners Protection Act; to amend sections 44-8601 and 44-8602, Revised Statutes Cumulative Supplement, 2016; to redefine a term; to provide contract requirements for assignment of rights and benefits; to require notice as prescribed; to declare certain contracts void; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 221.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB661, section 4; to change a transfer of funds; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 222.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to tourism; to amend sections 81-3702, 81-3710, 81-3712, 81-3713, 81-3721, and 81-3724, Reissue Revised Statutes of Nebraska, and sections 81-3701, 81-3703, 81-3711, 81-3714, and 81-3725, Revised Statutes Cumulative Supplement, 2016; to restate intent; to define a term; to change membership provisions for the Nebraska Tourism Commission; to provide for districts; to provide, change, and eliminate powers and duties; to eliminate obsolete provisions; to change and eliminate provisions relating to contracts; to provide for additional grants; to harmonize provisions; to repeal the original sections; to outright repeal section 81-3727, Revised Statutes Cumulative Supplement, 2016; and to declare an emergency.

**LEGISLATIVE BILL 223.** Introduced by Kuehn, 38; Howard, 9; Lindstrom, 18.

A BILL FOR AN ACT relating to prescription drug monitoring; to amend section 71-2454, Revised Statutes Cumulative Supplement, 2016; to provide for training as prescribed; to redefine a term; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 224.** Introduced by Crawford, 45; Howard, 9.

A BILL FOR AN ACT relating to public assistance; to amend section 43-512, Reissue Revised Statutes of Nebraska, and sections 68-1017.02, 68-1713, and 68-1726, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to asset limitations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 225.** Introduced by Crawford, 45; Howard, 9.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-712 and 28-712.01, Reissue Revised Statutes of Nebraska; to change provisions relating to alternative response; to provide for a briefing; to provide a duty for the Department of Health and Human Services; and to repeal the original sections.

**LEGISLATIVE BILL 226.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to children; to amend sections 43-2,129, 43-1311.03, 43-2101, 43-4218, 43-4705, and 43-4708, Reissue Revised Statutes of Nebraska; to provide for the purchase of motor vehicles and motor vehicle insurance policies by certain children; to change transition plan requirements for children in foster care; to change provisions relating to the age of majority; to require the Normalcy Task Force to study the provision of motor vehicle insurance coverage for children in foster care; to require a report; to permit caregivers to give permission for obtaining certain motor vehicle permits; to limit liability of such caregivers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 227.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to brain injury; to define terms; to create a council and a fund; and to provide powers and duties.

**LEGISLATIVE BILL 228.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1333, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to rent-restricted housing projects; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 229.** Introduced by Williams, 36; Ebke, 32.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1010, 25-1028, 25-1030.02, and 25-1056, Reissue Revised Statutes of Nebraska; to change provisions relating to garnishment; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 230.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to economic development; to create the Nebraska Economic Development Advisory Committee; to provide duties; and to declare an emergency.

#### ANNOUNCEMENT

The Chair announced the birthday of Senator Crawford.

#### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 8.** Introduced by Ebke, 32; Chambers, 11.

WHEREAS, Donald L. Eret was elected to serve in the Legislature in 1982 and served until the expiration of his term in 1987; and

WHEREAS, during his tenure in the Legislature, Donald L. Eret served as the vice-chairperson of the Business and Labor Committee, represented the Legislature as Commissioner for the Education Commission of the States, and was a member of the Agriculture and Environment, Education, Intergovernmental Cooperation, and Administrative Rules and Regulations Review Committees; and

WHEREAS, Donald L. Eret was a farmer involved in agriculture issues, organizing support for the Nebraska Tractor Test Laboratory and participating in the tractorcade to Washington, D.C., in 1978 with three thousand other farmers to protest U.S. farm policies; and

WHEREAS, Donald L. Eret was an active member of the United Methodist Church of Dorchester, the Dorchester American Legion Post, the Western Fraternal Life Association, the Nebraska Farmers Union, the Nebraska Wheat Growers Association, the Nebraska Grain Sorghum Producers Association, and the American Agriculture Movement; and

WHEREAS, Donald L. Eret was born on a farm south of Dorchester on May 31, 1931, attended a country school and graduated from Dorchester High School in 1948, continued his education at the University of Nebraska graduating with a Bachelor of Science degree in agricultural engineering in 1953, served on the staff at the Ordinance Guided Missile School in Huntsville, Alabama, during his service in the army, and worked as a mechanical-aerospace engineer for Brown-Teledyne Corporation where he provided engineering services to NASA on the Saturn V booster moon landing program before returning to Nebraska in 1970 to take over the family farm in 1972; and

WHEREAS, Donald L. Eret married Lois Naomi Arnold on December 22, 1950, and had three children, Joyce, Lee, and Larry, ten grandchildren, and seventeen great-grandchildren; and

WHEREAS, Donald L. Eret passed away on January 4, 2017, the opening day of the One Hundred Fifth Legislature, and will be remembered for his advocacy and his love for his children, grandchildren, and wife Lois, who preceded him in death in 2015.

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

1. That the Legislature honors Donald L. Eret for his service to the State of Nebraska.
2. That the Legislature extends deep sympathy to the family of Donald L. Eret.
3. That a copy of this resolution be sent to the family of Donald L. Eret.

Laid over.

#### **UNANIMOUS CONSENT – Add Cointroducers**

Senator Krist asked unanimous consent to add all the senators' names as cointroducers to LR9. No objections. So ordered.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 9.** Introduced by Krist, 10; Albrecht, 17; Baker, 30; Blood, 3; Bolz, 29; Bostelman, 23; Brasch, 16; Brewer, 43; Briese, 41; Chambers, 11; Craighead, 6; Crawford, 45; Ebke, 32; Erdman, 47; Friesen, 34; Geist, 25; Groene, 42; Halloran, 33; Hansen, 26; Harr, 8; Hilgers, 21; Hilkemann, 4; Howard, 9; Hughes, 44; Kintner, 2; Kolowski, 31; Kolterman, 24; Kuehn, 38; Larson, 40; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Quick, 35; Riepe, 12; Scheer, 19; Schumacher, 22; Smith, 14; Stinner, 48; Vargas, 7; Walz, 15; Watermeier, 1; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, John Wightman was elected to the Legislature in 2006 and reelected in 2010, representing the 36th Legislative District until 2015; and

WHEREAS, during his tenure in the Legislature, John Wightman served for 6 years as the chairman of the Executive Board of the Legislative Council and the Referencing Committee in addition to membership on the Committee on Appropriations, Legislative Performance Audit Committee, and Legislature's Planning Committee; and

WHEREAS, prior to his time in the Legislature, John Wightman had been the mayor of Lexington, the president of the Dawson County Bar Association, and a lay leader and financial chairman for the United Methodist Church as well as a member of the Lexington Planning Commission, Lexington City Council, Lexington Community Foundation Board of Directors, Dawson Area Development Board of Directors,



Nebraska State Bar Association, Nebraska State Bar Foundation, and Lexington Chamber of Commerce; and

WHEREAS, John Wightman was born in North Platte on October 2, 1938, grew up between Sumner and Overton, graduated from Sumner High School, earned a Bachelor of Science degree from Kearney State College, taught high school for a year in Dannebrog, and went on to receive a Juris Doctorate from the University of Nebraska before pursuing a career as an attorney in Lexington; and

WHEREAS, John Wightman married Janet L. Hyde on June 14, 1964, and had three children, John, Jr., Jeffrey, and Jill, and four granddaughters; and

WHEREAS, John Wightman passed away on January 5, 2017, and will be remembered for his intellect, open mind, and impact on the Lexington area and the state as a whole.

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

1. That the Legislature honors John Wightman for his service to the State of Nebraska.
2. That the Legislature extends deep sympathy to the family of John Wightman.
3. That a copy of this resolution be sent to the family of John Wightman.

Laid over.

**NOTICE OF COMMITTEE HEARING(S)**

Agriculture

Room 2102

Tuesday, January 17, 2017 1:30 p.m.

LB134

(Signed) Lydia Brasch, Chairperson

Urban Affairs

Room 1510

Tuesday, January 17, 2017 1:30 p.m.

LB113

LB74

LB133

LB132

LB131

(Signed) Justin Wayne, Chairperson

Judiciary

Room 1113

Wednesday, January 18, 2017 1:30 p.m.

LB7  
LB8  
LB10  
LB11

Thursday, January 19, 2017 1:30 p.m.

LB26  
LB47  
LB57  
LB93  
LB102

(Signed) Laura Ebke, Chairperson

Nebraska Retirement Systems

Room 1525

Thursday, January 19, 2017 12:00 p.m.

LB29  
LB94

(Signed) Mark Kolterman, Chairperson

Education

Room 1525

Tuesday, January 17, 2017 1:30 p.m.

LB14  
LB62  
LB119

(Signed) Mike Groene, Chairperson

**ANNOUNCEMENT(S)**

Senator Hilgers announced the Rules Committee will meet Wednesday, January 11, 2017, at 1:30 p.m. in Room 1524.

The Urban Affairs Committee elected Senator Hansen as Vice Chairperson.

The Transportation and Telecommunications Committee elected Senator Smith as Vice Chairperson.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Watermeier name added to LB137.

Senator Lindstrom name added to LB45.

Senator Brewer name added to LB88.

**VISITOR(S)**

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

**ADJOURNMENT**

At 10:14 a.m., on a motion by Senator Kolowski, the Legislature adjourned until 10:00 a.m., Wednesday, January 11, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTH DAY - JANUARY 11, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 11, 2017

**PRAYER**

The prayer was offered by Pastor Christopher Hazzard, St. Paul Lutheran Church, Minden.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators McCollister and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifth day was approved.

**ANNOUNCEMENT(S)**

The Appropriations Committee elected Senator Bolz as Vice Chairperson.

The Government, Military and Veterans Affairs Committee elected Senator Brewer as Vice Chairperson.

**NOTICE OF COMMITTEE HEARING(S)**  
Government, Military and Veterans Affairs

Room 1507

Wednesday, January 18, 2017 1:30 p.m.

LB80  
LB85

Thursday, January 19, 2017 1:30 p.m.

LB90  
LB101  
LB151  
LB27

Friday, January 20, 2017 1:30 p.m.

LB36  
LB38

(Signed) John Murante, Chairperson

### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 231.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Insurance Producers Licensing Act; to amend section 44-4059, Reissue Revised Statutes of Nebraska; to authorize disciplinary action for failing to maintain a license in good standing as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 232.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Cumulative Supplement, 2016; to provide a property tax exemption for property leased to the state or a governmental subdivision; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 233.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 9-433, 77-2783, 77-2785, 77-4014, and 79-1016, Reissue Revised Statutes of Nebraska, and sections 69-2710.01, 77-2503, 77-2506, 77-2604, 77-2604.01, 77-2756, 77-27,238, 77-3510, 77-4212, and 77-5725, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to lotteries and raffles, cigarette reports, affordable housing tax credits, statements on income taxes withheld, mathematical and clerical errors in income taxes, employer tax credits, homestead exemption forms and lists, tobacco product tax returns, property tax credits, property tax exemptions under the Nebraska Advantage Act, and taxable valuations for school districts; to eliminate the Low-Income Home Energy Conservation Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 66-1013, 66-1017, 66-1018, and 66-1019, Reissue Revised Statutes of Nebraska, and sections 66-1012, 66-1014, 66-1015, 66-1016, and 66-1019.01, Revised Statutes Cumulative Supplement, 2016.

**LEGISLATIVE BILL 234.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Cumulative Supplement, 2016; to update

references to the Internal Revenue Code; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 235.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Summer Food Service Program; to amend section 79-10,141, Reissue Revised Statutes of Nebraska; to clarify grant requirements; and to repeal the original section.

**LEGISLATIVE BILL 236.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-132, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the inclusion of multiple lots in one parcel; and to repeal the original section.

**LEGISLATIVE BILL 237.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to official bonds; to amend sections 11-107 and 23-1601, Reissue Revised Statutes of Nebraska; to change filing requirements for school districts; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 238.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 13-509, Reissue Revised Statutes of Nebraska; to change provisions relating to certifying taxable values; and to repeal the original section.

**LEGISLATIVE BILL 239.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to the Burial Pre-Need Sale Act; to amend sections 12-1113 and 12-1114, Reissue Revised Statutes of Nebraska; to change provisions relating to trust funds; and to repeal the original sections.

**LEGISLATIVE BILL 240.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend sections 79-554, 79-560, 79-561, and 84-1411, Reissue Revised Statutes of Nebraska; to authorize board meetings of school districts to be held by means of videoconferencing; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 241.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to the Privacy of Insurance Consumer Information Act; to amend section 44-905, Reissue Revised Statutes of Nebraska; to provide an exception to the requirement to send annual privacy notices; and to repeal the original section.

**LEGISLATIVE BILL 242.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the recruitment of students who study to become behavioral health professionals; and to require reports.

**LEGISLATIVE BILL 243.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to assaults; to require the reporting of certain information concerning assaults that occur in state institutions.

**LEGISLATIVE BILL 244.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-101.01, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to mental injury and mental illness compensation; and to repeal the original section.

**LEGISLATIVE BILL 245.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to correctional services; to define terms; to provide for and limit overtime as prescribed; to provide for a corrections-related emergency; and to provide an operative date.

**LEGISLATIVE BILL 246.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1028.01, Revised Statutes Cumulative Supplement, 2016; to provide a budget exception for expanded learning opportunity programs; and to repeal the original section.

**LEGISLATIVE BILL 247.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to school finance; to amend section 79-10,110.02, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to school district levy and bonding authority for certain projects; to authorize school district levy and bonding authority for cybersecurity as prescribed; to define and redefine terms; and to repeal the original section.

**LEGISLATIVE BILL 248.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to employment training; to adopt the Youth Opportunities in Learning and Occupations Act.

**LEGISLATIVE BILL 249.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Cumulative Supplement, 2016; to expand a



property tax exemption; and to repeal the original section.

**LEGISLATIVE BILL 250.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to probation; to amend section 29-2267, Reissue Revised Statutes of Nebraska; to change provisions relating to probationers' rights; and to repeal the original section.

**LEGISLATIVE BILL 251.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1359, Revised Statutes Cumulative Supplement, 2016; to redefine agricultural or horticultural purposes as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 252.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1401 and 49-1403, Reissue Revised Statutes of Nebraska, and sections 49-1463.01, 49-1467, and 49-1469, Revised Statutes Cumulative Supplement, 2016; to define a term; to change reporting requirements for independent expenditures; to require reporting regarding electioneering communication; to provide for late filing fees; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 253.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the County Industrial Sewer Construction Act; to amend section 23-3637, Reissue Revised Statutes of Nebraska; to authorize intergovernmental service agreements as prescribed; to provide for a special tax levy; and to repeal the original section.

**LEGISLATIVE BILL 254.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168.06, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to prohibited acts; to provide for making and serving certain types of alcoholic liquor by nonlicensed persons as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 255.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-101, 38-121, and 38-186, Reissue Revised Statutes of Nebraska, and section 71-448, Revised Statutes Cumulative Supplement, 2016; to adopt the Dialysis Patient Care Technician Registration Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 256.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to cities and villages; to adopt the Vacant Property Registration Act.

**LEGISLATIVE BILL 257.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885, Revised Statutes Cumulative Supplement, 2016; to provide for a statute of limitations; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 258.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to correctional services; to amend section 83-903, Reissue Revised Statutes of Nebraska; to provide for an opportunity to obtain a state identification card or a motor vehicle operator's license as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 259.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1823, Reissue Revised Statutes of Nebraska; to provide for competency determinations in criminal cases pending before county courts; and to repeal the original section.

**LEGISLATIVE BILL 260.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to agriculture promotion; to amend section 2-3815, Reissue Revised Statutes of Nebraska; to provide for a state food insecurity nutrition incentive grant program; to provide duties for the Department of Agriculture; to state intent regarding appropriations; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 261.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to labor; to adopt the Nebraska Worker Adjustment and Retraining Notification Act.

**LEGISLATIVE BILL 262.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2123, Reissue Revised Statutes of Nebraska; to change provisions relating to undeveloped vacant land; and to repeal the original section.

**LEGISLATIVE BILL 263.** Introduced by Transportation and Telecommunications Committee: Friesen, 34, Chairperson; Bostelman, 23; Briese, 41; Geist, 25; Hilgers, 21; Hughes, 44; Murante, 49; Smith, 14.

A BILL FOR AN ACT relating to certificates of title and registration; to amend sections 13-910, 37-1201, 37-1283, 37-1287, 60-192, 60-394, 81-8,219, and 83-123, Reissue Revised Statutes of Nebraska, and sections 60-101, 60-102, 60-144, 60-154, 60-155, 60-161, 60-164, 60-166, 60-301, 60-302, 60-385, 60-3,104.01, 60-3,120, 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,135.01, 60-3,141, 60-3,224, 60-3,227, 60-3,231, 60-2907, and 77-2703, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to liability for certificates of title; to provide for changes to certificates of title and registration certificates; to change procedures relating to application for and issuance of certificates of title and registration certificates; to define terms; to provide for the implementation of an electronic dealer services system; to change a provision relating to odometer readings upon transfer of motor vehicle ownership; to provide a fee; to change provisions relating to delivery of certain license plates, disclosure of motor vehicle record information, and collection of motor vehicle taxes and fees; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 264.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Boiler Inspection Act; to amend section 48-721, Reissue Revised Statutes of Nebraska; to change provisions relating to qualifications of boiler inspectors; and to repeal the original section.

**LEGISLATIVE BILL 265.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1022, Revised Statutes Cumulative Supplement, 2016; to provide for a minimum amount of state aid to be distributed to each school district; and to repeal the original section.

**LEGISLATIVE BILL 266.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5023 and 79-1016, Reissue Revised Statutes of Nebraska, and section 77-201, Revised Statutes Cumulative Supplement, 2016; to change the valuation of agricultural land and horticultural land as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 267.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to public health; to amend section 71-468,

Revised Statutes Cumulative Supplement, 2016; to change provisions relating to onsite vaccinations as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 268.** Introduced by Schumacher, 22; Kintner, 2.

A BILL FOR AN ACT relating to medical assistance; to amend sections 24-517, 25-2154, 30-2483, 30-3880, 30-3881, 30-3882, 33-109, and 44-371, Reissue Revised Statutes of Nebraska, and sections 52-1004, 68-901, 68-919, 71-605, 77-2018.02, and 77-3903, Revised Statutes Cumulative Supplement, 2016; to change and eliminate provisions relating to court jurisdiction, certain recording fees, and medical assistance reimbursement; to change the Medical Assistance Act as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 269.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to civil rights; to amend sections 20-113, 20-132, 20-133, 20-134, 20-135, 20-136, 20-138, 20-139, 20-140, 20-141, 20-142, and 20-143, Reissue Revised Statutes of Nebraska; to require motion picture theaters to provide open captioning as prescribed; to harmonize provisions; to provide an operative date and a termination date; and to repeal the original sections.

**LEGISLATIVE BILL 270.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Department of Education.

**LEGISLATIVE BILL 271.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the Department of Roads; to amend sections 39-891, 39-893, 39-1301, 39-1302, 39-1309, and 39-1320, Reissue Revised Statutes of Nebraska; to authorize the Department of Roads to assume certain responsibilities under federal environmental laws; to provide for a limited waiver of the state's sovereign immunity; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 272.** Introduced by Vargas, 7; Hilkemann, 4.

A BILL FOR AN ACT relating to the Nebraska Job Creation and Mainstreet Revitalization Act; to amend section 77-2906, Revised Statutes Cumulative Supplement, 2016; to provide powers and duties for the Department of Revenue; to establish a deadline for the determination of the amount of tax credit; and to repeal the original section.

**LEGISLATIVE BILL 273.** Introduced by Halloran, 33.

A BILL FOR AN ACT relating to the Employment Security Law; to amend

section 48-627, Reissue Revised Statutes of Nebraska; to require rounding a dollar amount to the nearest whole dollar amount; and to repeal the original section.

**LEGISLATIVE BILL 274.** Introduced by Halloran, 33.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1073, 2-10,110 and 2-10,116, Reissue Revised Statutes of Nebraska, and section 2-1091, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to declaration of public policy, enforcement, powers, duties, authorized agreements, and rules and regulations under the Plant Protection and Plant Pest Act; to eliminate the Nebraska Rangeland Grasshopper Control Act; to repeal the original sections; and to outright repeal sections 2-1066, 2-1067, 2-1068, 2-1069, 2-1070, and 2-1071, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 275.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to abandoned vehicles; to amend sections 60-1906, 60-1910, and 60-1911, Reissue Revised Statutes of Nebraska, and sections 60-149 and 60-166, Revised Statutes Cumulative Supplement, 2016; to provide duties for law enforcement officers and rights and duties for private property owners; to change liability provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 276.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 81-2,155, 81-2,156, and 81-2,157, Reissue Revised Statutes of Nebraska; to change provisions relating to hybrid seed corn; to redefine terms; to change sale and tagging restrictions; to provide enforcement powers and judicial remedies; and to repeal the original sections.

**LEGISLATIVE BILL 277.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to elections; to amend section 32-903, Reissue Revised Statutes of Nebraska; to change provisions relating to precinct size; and to repeal the original section.

**LEGISLATIVE BILL 278.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2315.01, 79-951, 84-1301, and 84-1323.01, Reissue Revised Statutes of Nebraska, and sections 23-2301 and 79-902, Revised Statutes Cumulative Supplement, 2016; to redefine disability and change disability retirement application and medical examination provisions under the County Employees Retirement Act, School Employees Retirement Act, and State Employees Retirement Act; to provide duties for the Public Employees Retirement Board; and to repeal the original sections.

**LEGISLATIVE BILL 279.** Introduced by Hilkemann, 4; Kolterman, 24.

A BILL FOR AN ACT relating to school buses; to amend sections 79-601 and 79-609, Reissue Revised Statutes of Nebraska; to require lap-shoulder belts as prescribed; to require instruction regarding use of certain belts; to require the use of certain belts; to state intent regarding liability; and to repeal the original sections.

**LEGISLATIVE BILL 280.** Introduced by Crawford, 45; Blood, 3; Craighead, 6; Krist, 10; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Address Confidentiality Act; to amend sections 42-1203, 42-1204, and 43-1209, Reissue Revised Statutes of Nebraska, and section 81-1429.02, Revised Statutes Cumulative Supplement, 2016; to define a term; to provide for application formats as prescribed; to provide powers and duties; to change provisions relating to a fund; to provide for a transfer of funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 281.** Introduced by Quick, 35.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Historical Society.

**LEGISLATIVE BILL 282.** Introduced by Riepe, 12; Kolterman, 24.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-8509, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to telehealth services for children's behavioral health; and to repeal the original section.

**LEGISLATIVE BILL 283.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-101, 38-121, 38-186, 38-2201, 38-2211, and 38-2216, Reissue Revised Statutes of Nebraska; to permit application of intravenous therapy by licensed practical nurses as prescribed; to state requirements; to eliminate the Licensed Practical Nurse-Certified Practice Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 38-1601, 38-1602, 38-1603, 38-1604, 38-1605, 38-1606, 38-1607, 38-1608, 38-1609, 38-1610, 38-1611, 38-1612, 38-1613, 38-1614, 38-1615, 38-1616, 38-1617, 38-1618, 38-1619, 38-1620, 38-1621, 38-1622, 38-1623, 38-1624, and 38-1625, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 284.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Child Care Licensing Act; to amend section 71-1912, Revised Statutes Cumulative Supplement, 2016; to change

provisions relating to criminal history record information checks; and to repeal the original section.

**LEGISLATIVE BILL 285.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-502.03 and 71-506, Reissue Revised Statutes of Nebraska; to provide for and to eliminate provisions relating to testing for human immunodeficiency virus infection; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-531, Revised Statutes Cumulative Supplement, 2016.

**LEGISLATIVE BILL 286.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to finance; to amend sections 45-902 and 45-915, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Flexible Loan Act; to change provisions of the Delayed Deposit Services Licensing Act; and to repeal the original sections.

**LEGISLATIVE BILL 287.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to the Child and Maternal Death Review Act; to amend section 71-3407, Revised Statutes Cumulative Supplement, 2016; to provide duties for the State Child and Maternal Death Review Team; and to repeal the original section.

**LEGISLATIVE BILL 288.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1832, 77-1833, and 77-1837.01, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to service of notice when applying for a tax deed and the laws governing certain tax sale certificates; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 289.** Introduced by Pansing Brooks, 28; Brasch, 16; Linehan, 39; Morfeld, 46; Scheer, 19; Walz, 15; Watermeier, 1; Wishart, 27.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-802, 28-830, 28-831, and 43-1303, Reissue Revised Statutes of Nebraska; to change provisions and penalties relating to pandering, human trafficking, labor trafficking, and sex trafficking; to prohibit solicitation of a trafficking victim; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 290.** Introduced by Vargas, 7; Blood, 3; Wishart, 27.

A BILL FOR AN ACT relating to elections; to amend sections 32-202,

32-307, 32-308, 32-310, 32-312, 32-315, 32-1002, 32-1506, 60-4,130, and 60-4,130.02, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-484.02, and 60-4,144, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to registering to vote; to change penalty provisions; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-309, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 291.** Introduced by Larson, 40; Brewer, 43; Lindstrom, 18.

A BILL FOR AN ACT relating to Native Americans; to amend section 58-201, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2016; to adopt the Special Economic Impact Zone Act; to provide a bonus in a scoring system under the Nebraska Investment Finance Authority Act; to authorize revenue-sharing agreements as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 292.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Nebraska Uniform Limited Liability Company Act; to amend section 21-101, Reissue Revised Statutes of Nebraska; to authorize series limited liability companies; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 293.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-405, Reissue Revised Statutes of Nebraska; to include U-47700 as a Schedule I controlled substance; and to repeal the original section.

**LEGISLATIVE BILL 294.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-483, Reissue Revised Statutes of Nebraska; to provide for a reciprocity agreement with a foreign country as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 295.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2016; to adopt the Opportunity Scholarships Act; to provide for tax credits; to harmonize provisions; to provide an operative date; to provide for severability; and to repeal the original sections.



**LEGISLATIVE BILL 296.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to civil liability; to amend section 25-21,280, Reissue Revised Statutes of Nebraska; to provide and change immunity provisions with respect to asthma and allergic reactions; and to repeal the original section.

**LEGISLATIVE BILL 297.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to infants; to amend section 43-1318, Reissue Revised Statutes of Nebraska; to provide for and eliminate a data pilot project, an advisory group, subcommittees, and reports; to provide powers and duties; to provide a termination date; to harmonize provisions; to repeal the original section; and to outright repeal section 43-1322, Reissue Revised Statutes of Nebraska.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 10.** Introduced by Kuehn, 38.

WHEREAS, Lona Alice (Dunkleberger) Kuehn will celebrate her 100th birthday on January 13, 2017; and

WHEREAS, Lona was born in Decatur County, Kansas to Rachel (Mathers) and Oscar Dunkleberger on January 13, 1917; and

WHEREAS, Lona moved to rural Kearney County as a young girl and graduated as valedictorian from Heartwell High School in 1934; and

WHEREAS, Lona attended Hastings College, where she was trained as a teacher; and

WHEREAS, Lona taught at a country school in rural Heartwell before marrying John A. Kuehn on June 25, 1938 at her parents' home near Heartwell; and

WHEREAS, Lona and John had five children, John M., William, Edwin, James, and Erma, eighteen grandchildren, thirty-four great-grandchildren, and three great-great-grandchildren; and

WHEREAS, Lona is known for her angel food cake made from scratch, her extensive flower and vegetable garden, and her pan-fried chicken; and

WHEREAS, Lona's indomitable strength and love for her family has been stitched into a hand-crocheted afghan for each of her grandchildren; and

WHEREAS, the celebration of Lona Kuehn's 100th birthday is worthy of recognition by the Legislature.

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

1. That the Legislature wishes Lona Kuehn a very happy 100th birthday.
2. That a copy of this resolution be sent to Lona Kuehn.

Laid over.

**LEGISLATIVE RESOLUTION 11.** Introduced by Riepe, 12.

**PURPOSE:** The purpose of this study resolution is to assess the Nebraska medical assistance program and the options for health care reform for Nebraska, including whether the elimination of optional benefits would allow for more low-income Nebraskans to access benefits under the medical assistance program without increasing current state and federal funds for the program.

This study shall include an examination of the following:

- (1) A review of the required and optional services covered by the medical assistance program in Nebraska;
- (2) A review of the eligibility requirements for the medical assistance program in Nebraska; and
- (3) A review of health care options for low-income individuals without insurance.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**ANNOUNCEMENT(S)**

The Natural Resources Committee elected Senator Bostelman as Vice Chairperson.

The Rules Committee elected Senator Schumacher as Vice Chairperson.

**NOTICE OF COMMITTEE HEARING(S)**

Nebraska Retirement Systems

Room 1525

Tuesday, January 24, 2017 12:00 p.m.

LB32

LB110

Friday, January 27, 2017 12:00 p.m.

LB79

(Signed) Mark Kolterman, Chairperson

Revenue

Room 1524

Wednesday, January 18, 2017 1:30 p.m.

LB15  
LB48  
LB52

(Signed) Jim Smith, Chairperson

**MOTION(S) - Print in Journal**

Senator Groene filed the following motion to LB14:

MO5

Suspend Rule 3, Section 14 to permit cancellation of public hearing.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Kintner name added to LB68.

Senator Halloran name added to LB68.

**VISITOR(S)**

Visitors to the Chamber were members of EntrepreneurShip Investigation youth group from across the state.

The Doctor of the Day was Dr. Pat Hotovy from York.

**ADJOURNMENT**

At 11:09 a.m., on a motion by Speaker Scheer, the Legislature adjourned until 9:30 a.m., Thursday, January 12, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTH DAY - JANUARY 12, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 12, 2017

**PRAYER**

The prayer was offered by Father Ryan Lewis, Gross Catholic High School, Bellevue.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Foley presiding.

The roll was called and all members were present except Senators Bolz, Harr, and Kolowski who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB164	Transportation and Telecommunications
LB165	Judiciary
LB166	Health and Human Services
LB167	Judiciary
LB168	Banking, Commerce and Insurance
LB169	Revenue
LB170	Business and Labor
LB171	Business and Labor
LB172	Business and Labor
LB173	Judiciary
LB174	Revenue
LB175	Education
LB176	Natural Resources
LB177	Transportation and Telecommunications
LB178	Judiciary

LB179	Health and Human Services
LB180	Judiciary
LB181	Business and Labor
LB182	Natural Resources
LB183	Government, Military and Veterans Affairs
LB184	Banking, Commerce and Insurance
LB185	Banking, Commerce and Insurance
LB186	Banking, Commerce and Insurance
LB187	Banking, Commerce and Insurance
LB188	Judiciary
LB189	Appropriations
LB190	Revenue
LB191	Judiciary
LB192	Judiciary
LB193	Judiciary
LB194	Banking, Commerce and Insurance
LB195	Health and Human Services
LB196	Banking, Commerce and Insurance
LB197	Government, Military and Veterans Affairs
LB198	Judiciary
LB199	Judiciary
LB200	Government, Military and Veterans Affairs
LB201	Judiciary
LB202	Judiciary
LB203	Business and Labor
LB204	Judiciary
LB205	Appropriations
LB206	Appropriations
LB207	Executive Board
LB208	Banking, Commerce and Insurance
LB209	Government, Military and Veterans Affairs
LB210	Executive Board
LB211	Business and Labor
LB212	Business and Labor
LB213	Banking, Commerce and Insurance
LB214	Education
LB215	Revenue
LB216	Executive Board
LB217	Revenue
LB218	Natural Resources
LB219	Nebraska Retirement Systems
LB220	Banking, Commerce and Insurance
LB221	Appropriations
LB222	Government, Military and Veterans Affairs
LB223	Health and Human Services
LB224	Health and Human Services
LB225	Health and Human Services
LB226	Judiciary
LB227	Health and Human Services

LB228 Revenue  
LB229 Judiciary  
LB230 Executive Board

(Signed) Dan Watermeier, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARING(S)**  
General Affairs

Room 1510

Monday, January 23, 2017 1:30 p.m.

Candy Henning - Nebraska Arts Council  
Melissa Marvin - Nebraska Arts Council  
Paula L. Pflueger - Nebraska Arts Council  
Reven Wright - Nebraska Arts Council  
Stephen Bader - Nebraska Arts Council  
Helen Abbott Feller - State Racing Commission

(Signed) Tyson Larson, Chairperson

Health and Human Services

Room 1510

Thursday, January 19, 2017 1:30 p.m.

Thomas L. Williams - Division of Public Health-Department of Health and  
Human Services

LB64  
LB61

(Signed) Merv Riepe, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, January 19, 2017 1:30 p.m.

LB89

(Signed) John Murante, Chairperson

Revenue

Room 1524

Thursday, January 19, 2017 1:30 p.m.

LB12  
LB20  
LB51

Friday, January 20, 2017 1:30 p.m.

LB63  
LB77

(Signed) Jim Smith, Chairperson

**ATTORNEY GENERAL'S OPINION**Opinion 17-001

SUBJECT: Authority of a Register of Deeds to Refuse to Record an Instrument or to Withdraw an Instrument After Recording

REQUESTED BY: Senator John Stinner  
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General  
Lynn A. Melson, Assistant Attorney General

You have requested an opinion from this office on four questions relating to the authority of a register of deeds to refuse to record a document or to require certain changes to be made to a document prior to filing. You informed us that you are considering a bill for the 2017 legislative session that relates to the statutory authority of a register of deeds and have attached a draft of the legislation which would amend Neb. Rev. Stat. §§ 23-1503.01, 23-1506 and 23-1311(2012). You have posed the following questions:

- (1) Whether a register of deeds has the authority to refuse to record a document or to withdraw documents from record which meet the statutory formatting and signature requirements and for which the correct fee will be paid.
- (2) Whether a register of deeds has the authority, before filing a document, to require legally valid changes to be made to such document.



- (3) Whether the county is liable for expenses incurred as a result of rerecording documents which were recorded in error (e.g. filed in the improper index or alphabetized improperly).
- (4) Whether the refusal by a register of deeds to file a document that meets the statutory requirements for filing, and the withdrawal of a document that is already of the record, are misdemeanors under Neb. Rev. Stat. §§ 84-1213 (2014) and 23-1507 (2012).

### **BACKGROUND**

At the outset, we note it is our long-standing policy not to provide opinions to members of the Legislature on the interpretation or constitutionality of existing statutes. Op. Att'y Gen. No. 157 (Dec. 24, 1985). Accordingly, we normally would decline to provide an opinion on the questions presented. As you have proposed legislation which could be impacted by our conclusions, we will proceed to respond to your questions.

Neb. Rev. Stat. §§ 23-1501 to 23-1528 (2012) set out the various duties of a county register of deeds with regard to the recordation and indexing of instruments affecting real estate. The general duties of a register of deeds in Nebraska are set out at Neb. Rev. Stat. § 23-1506 (2012), which provides, in pertinent part, that a register of deeds "shall also record or cause to be recorded all deeds, mortgages, instruments, and writings presented to him or her for recording and left with him or her for that purpose." Neb. Rev. Stat. § 23-1507 (2012) provides that a "register of deeds who shall neglect to perform any of the duties described in section 23-1506 shall be guilty of a Class IV misdemeanor."

There are also statutes in Chapter 76, Article 2 of the Nebraska statutes which pertain to the execution and recording of real estate conveyances and which will be discussed below to the extent they impact the duties of a register of deeds.

### **DISCUSSION**

#### **1. Authority to refuse to record a document or to withdraw documents**

Your first question is whether a register of deeds has the authority to refuse to record a document or to withdraw documents from record which meet the statutory formatting and signature requirements and for which the correct fee will be paid. In other words, you are inquiring about what appears to be a mandatory duty to record all instruments pursuant to Neb. Rev. Stat. § 23-1506. For the reasons set forth below, we conclude that, under current statutes, a register of deeds should refuse to record a document and may withdraw documents from record in limited circumstances in which the instruments are not entitled to be recorded under Nebraska law. While, as a general rule, the duties of a register of deeds under Nebraska

statutes are ministerial, our office has issued several prior opinions in which we stated that a register of deeds should refuse to record certain instruments presented to him or her.

In an opinion found at 1945-46 Rep. Att'y Gen. at page 35 (dated February 27, 1946) we opined that a register of deeds should refuse to accept for recording a mortgage which was not acknowledged. Our opinion was based, in part, on Neb. Rev. Stat. § 76-211, which requires that deeds and other instruments conveying an interest in real estate must be signed and acknowledged by the grantor. We also noted Neb. Rev. Stat. § 76-241, which states that deeds and other instruments shall not be deemed lawfully recorded unless previously acknowledged or proved. We then concluded that a register of deeds should refuse to record an instrument which shows upon its face that it is not entitled to be recorded. With regard to the authority to withdraw a document from the record, we stated "there would seem to be no good reason why the public official should not expunge the mortgage from the record voluntarily where it is obvious on the face of the instrument itself that it should not have been recorded."

That 1946 opinion was readopted in 1979-80 Rep. Att'y Gen. 231 (Opinion No. 164, dated October 30, 1979).<sup>1</sup> The issue presented was whether an instrument which is obviously a copy is entitled to be recorded. However, we first discussed our earlier opinion and stated that:

It could be argued that the foregoing statute (Neb. Rev. Stat. § 23-1506) makes it the duty of a register of deeds to record all instruments purporting to affect title to real estate or purporting to convey real estate, even though such instruments are wholly unacknowledged. However, we believe such an interpretation is manifestly too broad. We do not construe Neb. Rev. Stat. § 23-1506 as making it the duty of a register of deeds to record improperly executed or unacknowledged instruments. Until such instruments are properly executed and acknowledged, they are not what they are called or purport to be and are thus not entitled to be recorded.

*Id.* at 232.

In the 1979 opinion we cited the case of *Eggert v. Ford*, 21 Wash. 2d 152, 150 P. 2d 719 (1944), which held that a Washington statute requiring a county auditor to record real estate conveyances did not make it the duty of the county auditor to record unacknowledged instruments. We also noted Nebraska cases in which the Supreme Court held that an instrument which was not properly acknowledged or proved does not operate as constructive notice, even though recorded. *Dawson County State Bank v. Durland*, 114

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<sup>1</sup> This 1979 opinion also specifically overruled and superseded an opinion at 1979-80 Rep. Att'y Gen. 68 (Opinion No. 44, dated March 6, 1979) in which we stated that a register of deeds could not refuse to file any instruments presented.

Neb. 605, 209 N.W. 243 (1926); *Warnick v. Latta*, 44 Neb. 807, 62 N.W. 1097 (1895) (in which the Court stated that "without being witnessed or acknowledged, this instrument should not have been recorded").

We then answered the question posed in that 1979 opinion request, concluding that "a mere copy of an original instrument is not entitled to be recorded and a register of deeds may thus refuse to record it. Such an instrument would obviously not comply with the requirements of Neb. Rev. Stat. § 76-211. 1979-80 Rep. Att'y Gen. at 232.

Subsequently, in Op. Att'y Gen. No. 233 (November 2, 1984), we discussed the legal status of common law liens and other instruments affecting real estate that are not entitled to be filed under Nebraska law and concluded that the register of deeds must refuse to file such instruments. We cited Neb. Rev. Stat. § 76-237 which provides that "[e]very deed, entitled by law to be recorded, shall be recorded" and § 76-238 which makes reference to instruments "which are required to be or which under the laws of this state may be recorded." We concluded "it is clear that deeds and other instruments affecting real estate can be filed with the register of deeds only if the instruments are entitled by law to be recorded or which under the law of this state may be recorded, and that the registers of deeds have the authority and duty to refuse to file instruments that do not meet those requirements." *Id.* at 1. We added that, as these instruments were not authorized by law to be filed, the refusal by a register of deeds to file such documents should not result in liability for the register of deeds or for the county.

We answered a similar question concerning the recording of "land patents" which were being presented to various clerks and registers of deeds in Op. Att'y Gen. No. 102 (June 11, 1985). We explained that, although the document submitted with the opinion request was titled "land patent", it was a purported grant of a land patent to two individuals by the same two individuals and not a transfer of title to public land to a private individual by the government. Such a document was invalid, null and void and not a document recognized by Nebraska law and entitled to be filed. Therefore, we concluded that a register of deeds "has a duty to review the document, to determine whether the 'land patent' is a grant of public land by the United States to an individual, and to reject any 'land patents' that do not meet these requirements." *Id.* at 3. We also pointed out that "it would not be appropriate for the Clerk/Register of Deeds to review the various documents presented for filing in order to determine if the person presenting such documents has any interest in the real estate in question", adding that the register of deed's duty is solely to review the form of the document, to determine if it is in fact a document entitled to be recorded. *Id.* at 4.

Finally, in Op. Att'y Gen. No. 86024 (February 25, 1986), we addressed the authority of a register of deeds regarding the filing of improper "lis pendens." We concluded that these bogus "lis pendens" did not meet the requirements for a valid lis pendens under Neb. Rev. Stat. § 25-531, were a

legal nullity and were, thus, not entitled to be recorded. "When presented to the register of deeds for filing, they should be refused, or in the event that they were filed, they should be treated as if they had never been filed and returned to the filer along with the filing fees." *Id.* at 2.

You have asked whether a register of deeds may refuse to record a document which meets statutory formatting and signature requirements. We assume you are referring to those formatting requirements set out at Neb. Rev. Stat. § 23-1503.01 and the signature requirements set out at Neb. Rev. Stat. § 23-1311. Section 23-1311 clearly states that the register of deeds may refuse to file any instrument failing to meet the signature requirements set out therein. Also, it is our view that, under current law, a register of deeds may also refuse to record a document which, on its face, is not entitled to recording. Therefore, even if a document meets statutory formatting requirements, the register of deeds may refuse to record the document if it is defective for the reasons we discussed in our prior opinions. This includes instruments not properly acknowledged, instruments which are mere copies of original documents, and certain other instruments which are not what they are called or what they purport to be. As such instruments are not permitted or authorized to be recorded under our state law, they may also be treated as if they had never been filed and withdrawn from the record.

**2. Authority to require legally valid changes prior to filing**

Your second question is whether a register of deeds has the authority, before filing a document, to require legally valid changes to be made to such a document which meets statutory formatting and signature requirements. We are not entirely sure what you mean by "legally valid changes." As discussed above, it is our view that a register of deed's authority is not only to determine whether statutory formatting and signature requirements are met. There are additional limited circumstances in which a register of deeds may refuse to record a document which, on its face, is not entitled to recording. In that sense, a register of deeds could require, for example, that a document be properly acknowledged or that the original be presented for recording rather than a copy. However, we think the register of deed's authority would generally be limited to determining whether the document shows clearly on its face that it is not entitled to recording. As explained in Op. Att'y Gen. No. 102 (June 11, 1985), which we discussed in our answer to your first question, the register of deed's duty is to review the form of the document and not to go beyond the document and attempt to determine, for example, whether the person presenting the document has an interest in the real estate or other underlying facts.

**3. Liability for expenses incurred as a result of rerecording documents**

Your third question is whether, under current statute, a county is "liable for expenses incurred as a result of rerecording documents which were recorded in error (e.g. filed in the improper index or alphabetized

improperly)." Neb. Rev. Stat. § 23-1506 (2012) provides that when documents are recorded, "[i]f an error should occur in recording any of the writings mentioned in this section thereby necessitating the rerecording of same, the expense thus incurred shall be paid out of the general fund of the county in the same way as any other claim, and the amount so paid shall be collected from the official responsible for the error or from his or her official bond." It thus appears that if a document is filed in the improper index or alphabetized improperly, the county and appropriate county official would be liable for expenses incurred as a result of the recording error.

#### **4. Misdemeanors under Neb. Rev. Stat. §§ 84-1213 and 23-1507**

Your fourth question is whether the refusal by a register of deeds to file a document that meets the statutory requirements for filing, or the withdrawal of a document that is already of record, constitute a misdemeanor under Neb. Rev. Stat. §§ 84-1213 (2014) and 23-1507 (2012). Beginning with § 23-1507, this statute provides that a register of deeds who "shall neglect to perform any of the duties described in section 23-1506 shall be guilty of a Class IV misdemeanor." The duties described in § 23-1506 include the recording of all deeds, mortgages, instruments and writings presented for recording. However, as discussed above in answer to your first question, certain instruments may not be entitled to recording, whether because they fail to meet statutory formatting and signature requirements or because they are not permitted or authorized to be recorded pursuant to Nebraska conveyancing statutes. In our view, if there is no duty to record such an instrument, the failure to do so would not constitute a misdemeanor under § 23-1507.

We note that the draft legislation which you submitted to our office with your opinion request proposes to amend § 23-1503.01 (formatting requirements for instruments submitted for recording in the office of the register of deeds) and § 23-1311 (legible signature requirements for instruments presented for filing or recording in the office of the county clerk or register of deeds). It appears to us that your amendments to these statutes would require a register of deeds to record all instruments that satisfy the formatting and signature requirements of these two statutes and would provide that the failure to record all instruments constitutes a Class IV misdemeanor. The authority of the register of deeds to refuse to record an instrument in the circumstances which we have addressed in prior opinions (one which is not properly acknowledged, which is a mere copy of an original instrument or which is not of a character entitled to be recorded under Nebraska law) would be in question if § 23-1503.01 and § 23-1311 were amended as you propose.

Neb. Rev. Stat. § 84-1213(1) (2014) provides that all records under the control of state or local agencies in the course of their public duties "are the property of the state or local agency concerned and shall not be mutilated, destroyed, transferred, removed, damaged, or otherwise disposed of, in whole or in part, except as provided by law." Subsection (2) then provides

that any person who "willfully mutilates, destroys, transfers, removes, damages, or otherwise disposes of such records, except as provided by law . . . shall be guilty of a Class III misdemeanor." We first note that this statute is part of the Records Management Act, Neb. Rev. Stat. § 84-1201 et seq., which generally governs the management, retention and disposition of state or local government records pursuant to regulations and standards issued by the State Records Administrator and State Records Board. It does not appear to us that a refusal to record a document would subject a register of deeds to liability under this statute. As to criminal liability for withdrawing a document, the answer to your question may depend on the factual circumstances involved in withdrawing a document that has already been recorded. Our prior opinions indicate that the removal of a document which was not entitled to be recorded, would likely not violate this statute as we previously concluded that a register of deeds had authority to refuse to record such a document and to withdraw such a document. Other circumstances would need to be addressed depending on the particular facts of each incident.

### CONCLUSION

For the reasons set forth herein, it is our opinion that a register of deeds may refuse to record and may withdraw a document which, on its face, is not entitled to recording. The refusal to record a document under those circumstances would not constitute a misdemeanor under either Neb. Rev. Stat. § 23-1507 or § 84-1213. The withdrawal of a document which was not entitled to be recorded would also likely not constitute a misdemeanor under either current statute.

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Lynn A. Melson  
Assistant Attorney General

pc Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

09-559-29

### MOTION(S) - Print in Journal

Senator Brasch filed the following motion to LB125:  
MO6  
Withdraw bill.

**MOTION(S) - Suspend Rules**

Senator Groene offered his motion, MO5, found on page 163, to suspend Rule 3, Section 14 to permit cancellation of public hearing on LB14.

The Groene motion to suspend the rules prevailed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 298.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-2,108, 43-4218, 43-4701, 43-4702, 43-4703, 43-4704, 43-4706, 43-4707, 43-4709, 43-4710, 43-4711, 43-4712, 43-4713, and 43-4714, Reissue Revised Statutes of Nebraska; to change provisions relating to an independent living transition proposal; to rename and change provisions relating to the Normalcy Task Force; to change provisions relating to the Nebraska Strengthening Families Act; to define and redefine terms; to change and provide duties for the Department of Health and Human Services, the Office of Probation Administration, foster family homes, child-care institutions, and juvenile facilities with respect to children in foster care as prescribed; to provide for training; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 299.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to professions and occupations; to amend sections 84-906.01 and 84-910, Reissue Revised Statutes of Nebraska, and sections 84-901.02, 84-901.04, 84-906.04, 84-907.06, 84-908, and 84-920, Revised Statutes Cumulative Supplement, 2016; to adopt the Occupational Board Reform Act; to change provisions relating to certain rules and regulations; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 300.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-228, Reissue Revised Statutes of Nebraska; to eliminate the statute of limitations on civil actions for sexual assault of a child; and to repeal the original section.

**LEGISLATIVE BILL 301.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-632, Revised Statutes Cumulative Supplement, 2016; to provide for electronic notice of determination of claims; and to repeal the original section.

**LEGISLATIVE BILL 302.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to universities and colleges; to provide for psychiatric and behavioral health fellowships for physician assistants; and to state intent relating to appropriations.

**LEGISLATIVE BILL 303.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the University of Nebraska to fund behavioral health internships.

**LEGISLATIVE BILL 304.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend sections 71-15,102, 71-15,140, 71-15,141, 71-15,142, 71-15,157, and 71-15,158, Reissue Revised Statutes of Nebraska; to change provisions relating to commission membership, storage and possession of personal property, filing of reports and plans, conflicts of interest, and public bidding requirements as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 305.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to employment; to adopt the Paid Family Medical Leave Insurance Act; to provide an operative date; and to provide severability.

**LEGISLATIVE BILL 306.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Portable Electronics Insurance Act; to amend sections 44-8502 and 44-8508, Revised Statutes Cumulative Supplement, 2016; to redefine a term; to change provisions relating to notice requirements; and to repeal the original sections.

**LEGISLATIVE BILL 307.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to court fees; to amend sections 33-106, 33-106.03, 33-107.02, and 43-1906, Reissue Revised Statutes of Nebraska; to provide for mediation, child abuse prevention, and civil legal services fees in certain proceedings; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 308.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to schools; to amend section 79-724, Reissue Revised Statutes of Nebraska; to change provisions relating to the committee on Americanism; to harmonize provisions; and to repeal the original section.



**LEGISLATIVE BILL 309.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to time; to amend sections 32-908 and 49-1301, Reissue Revised Statutes of Nebraska; to eliminate daylight saving time; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 49-1302, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 310.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-1411 and 39-1412, Reissue Revised Statutes of Nebraska; to change provisions relating to carrying capacity and weight limits of bridges; and to repeal the original sections.

**LEGISLATIVE BILL 311.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Revised Statutes Cumulative Supplement, 2016; to eliminate a provision relating to eligibility for Supplemental Nutrition Assistance Program benefits as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 312.** Introduced by Briese, 41; Erdman, 47; Friesen, 34; Hughes, 44; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-382, 77-2701.16, 77-2701.35, 77-2703, 77-2704.10, 77-2704.24, 77-2715.07, and 77-27,132, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to a tax expenditure report; to impose sales and use taxes on certain services and trade-ins; to change and eliminate certain sales and use tax exemptions; to increase the earned income tax credit; to provide for the use of the net increase in tax revenue; to create a fund; to provide property tax credits; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2704.07, 77-2704.14, 77-2704.38, 77-2704.52, and 77-2704.55, Reissue Revised Statutes of Nebraska, and sections 77-2704.56, 77-2704.65, and 77-2704.67, Revised Statutes Cumulative Supplement, 2016.

**LEGISLATIVE BILL 313.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska, and sections 77-2715.07 and 77-27,132, Revised Statutes Cumulative Supplement, 2016; to change the sales and use tax rate; to increase the earned income tax credit; to provide for the use of the net increase in tax revenue; to create a fund; to provide property tax credits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 314.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to elections; to amend sections 18-2713, 32-301, 32-304, 32-312, 32-915, 32-939, and 32-947, Reissue Revised Statutes of Nebraska; to change deadlines for submitting economic development programs to a vote; to eliminate provisions relating to funding; to conform statutory language to penalties previously changed by the Legislature; and to repeal the original sections.

**LEGISLATIVE BILL 315.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-503, Reissue Revised Statutes of Nebraska; to change provisions relating to the sale of real property, to eliminate exceptions for sale by public auction or sealed bid; to eliminate a provision providing for establishment of a minimum price for bidding; and to repeal the original section.

**LEGISLATIVE BILL 316.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-118, 32-204, 32-221, 32-223, 32-230, 32-231, 32-232, 32-236, 32-301, 32-320, 32-328, 32-608, 32-805, 32-806, 32-807, 32-810, 32-814, 32-815, 32-816, 32-821, 32-901, 32-903, 32-910, 32-914, 32-916, 32-1001, 32-1010, 32-1012, 32-1013, 32-1032, 32-1041, 32-1521, 32-1522, and 84-510, Reissue Revised Statutes of Nebraska, and sections 45-621 and 49-14,140, Revised Statutes Cumulative Supplement, 2016; to redefine signature; to change the name and purpose of the Election Administration Fund; to prohibit use of and eliminate references to electronic voting systems; to authorize use of electronic poll books, ballot-on-demand technology, and precinct-based optical scanners; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 317.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-703, Reissue Revised Statutes of Nebraska; to provide for relevy or reassessment of a special assessment as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 318.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Reissue Revised Statutes of Nebraska; to authorize telephone conferencing for meetings of the Nebraska Brand Committee; and to repeal the original section.

**LEGISLATIVE BILL 319.** Introduced by Halloran, 33.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-144.01, Reissue Revised Statutes of Nebraska; to provide for confidentiality of and access to certain injury reports; and to repeal the original section.

**LEGISLATIVE BILL 320.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to state government; to amend sections 81-154, 81-161.05, 81-1118, and 81-1119, Reissue Revised Statutes of Nebraska, and sections 81-161.03 and 81-1108.15, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to bidding and purchases, conflicts of interest by the materiel administrator and materiel division employees, and facilities construction and administration; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 321.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1204.04, Reissue Revised Statutes of Nebraska; to change provisions relating to unlawful possession of a firearm at a school; and to repeal the original section.

**LEGISLATIVE BILL 322.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5016.01, 77-5023, 77-5026, and 77-5028, Reissue Revised Statutes of Nebraska, and sections 77-5004, 77-5013, 77-5015, 77-5015.02, and 77-5018, Revised Statutes Cumulative Supplement, 2016; to change the Tax Equalization and Review Commission Act as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 323.** Introduced by Kolterman, 24; Howard, 9.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Palliative Care and Quality of Life Act.

**LEGISLATIVE BILL 324.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to pharmacy; to adopt the Pharmacy Benefit Fairness and Transparency Act.

**LEGISLATIVE BILL 325.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2016; to exempt certain purchases of energy star qualified products from sales and use taxes; to harmonize provisions; to provide an operative date; and to

repeal the original sections.

**LEGISLATIVE BILL 326.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3442 and 79-1022, Revised Statutes Cumulative Supplement, 2016; to provide and change levy authority for certain school districts as prescribed; to provide a duty for the State Department of Education; and to repeal the original sections.

#### **MOTION - Escort Governor**

Senator Kolterman moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Brasch, Kuehn, McDonnell, Howard, and Kolterman to serve on said committee.

#### **STATE OF THE STATE ADDRESS**

*"We are making government work for the people."*

*"As I travel the state, I hear almost universally from Nebraskans that they are taxed too much."*

*"We are controlling spending first. That is responsible budgeting and responsible tax relief—it's the Nebraska way."*

*"This isn't easy. It will require Nebraska grit."*

President Foley, Speaker Scheer, Members of the 105th Legislature, Tribal Chairmen, Distinguished Guests, Friends, Fellow Nebraskans, and of course, our First Lady, my lovely wife Susanne - good morning!

Congratulations on the commencement of the 105th Nebraska Legislature. I want to thank each and every one of you for your willingness to serve our fellow citizens. I also want to highlight that you are beginning an historic year, the 150th year of our statehood which we will celebrate on March 1, our sesquicentennial.

I am honored to be here with you in the people's house. We all appreciate the tradition of our unique, non-partisan Unicameral. Nebraska consistently passes a balanced budget—on time—not all states can say that. In our system, every bill gets a hearing and every Senator gets a priority bill. Senators can have an impact with legislation, regardless of party or seniority. And debate happens right here on the floor, not in a closed door conference committee. Our Unicameral system empowers citizens with increased access to the process, greater transparency, and responsive representation.

Why do we have this system? We have it because of a man by the name of George Norris, who believed government should be more open and responsive to the people. A man who traveled 5,000 miles, wore out two sets of tires, sent 192,000 fliers—all at his own expense—to advocate for our Unicameral. George Norris was a man with a vision. He had initiative. He persevered. He was tenacious. He had grit—Nebraska grit.

That is a characteristic of our people. As a people, Nebraskans have a heart for their neighbor, a firmness of character, and they demonstrate resilience and fortitude. Nebraska is what America is supposed to be.

We are blessed to have so many everyday heroes in our communities, like the men and women who comprise Nebraska's law enforcement. They work hard and risk much to keep us safe. We are also grateful for our servicemen and women, the Nebraska National Guard, and their families.

Another great example of true Nebraska grit is Don Stratton who grew up in Red Cloud during the Great Depression. He was in the news about five weeks ago when we marked the 75th anniversary of Pearl Harbor.

On that fateful Sunday morning in 1941, a Japanese dive-bomber caused an explosion that engulfed the U.S.S. Arizona.

Stratton and his battery mates were trapped in a metal compartment being scorched alive. Finally, a serviceman on a repair ship tied to the Arizona, threw a rope to Stratton and his mates. With burns covering 65 percent of his body, he peeled loose skin from his arms to be able to climb hand-over-hand across 75 feet of rope, in excruciating pain and under fire from Japanese pilots while suspended 45 feet above flaming oil. Stratton made it.

And it is with the same spirit and determination that we must approach the work before us. Our families, our friends, and our neighbors are relying on us. What's more, we have a chance to give a voice to the voiceless, to improve lives, and to craft policies that build a brighter future for generations to come. I am excited to serve with each and every one of you to grow Nebraska.

Speaker Scheer, congratulations on your election. Thank you for your dedication and service to the people of Nebraska. I'm looking forward to working with you. And that goes for all of the new committee chairs. Thank you for your leadership.

And to the newly-elected Senators, congratulations. With farmers, small business people, attorneys, veterans, a firefighter, and a teacher, your diversity of experience will enrich the body and reflect our people. I look forward to what we will be able to accomplish working together.

In the 105th Nebraska Legislature, in our 150th year of statehood, you all are now part of our unique history. Your first legislative session presents an opportunity for decisive action that will shape the future of our state.

I am halfway through my four-year term of service as your Governor. This morning, I am going to highlight our accomplishments, discuss our legislative efforts to Grow Nebraska, address this year's budget adjustments, and detail my plan for the next biennium. I will also share with you my plans to deliver much-needed tax relief to hardworking families.

By identifying our mission to create opportunity through more effective, more efficient, and more customer-focused state government, we have made progress toward our vision of growing Nebraska. We are making government work for the people.

This thinking is contagious:

The Department of Environmental Quality launched online applications for storm water permits and new general air construction permits, significantly reducing wait times.

Health and Human Services, once under special investigation, is now accomplishing their mission of helping people live better lives. For example, ACCESSNebraska has reduced average call wait times, improved SNAP application processing, and in doing so saved the state \$17 million.

In our Department of Labor, we launched a first-in-the-nation reemployment program to help job seekers connect with good-paying jobs faster, and it is now saving Nebraska businesses \$17.6 million in taxes.

There are more efficiencies we can bring to government. Earlier this week, Chairman John Murante and I announced a merger of our Division of Veterans Homes with the Nebraska Department of Veterans Affairs. We will eliminate red tape for our veterans and can provide streamlined services to them under one roof. Thank you Director John Hilgert and your team for all your diligent work to make this possible and continually improve services for our veterans.

Chairman Curt Friesen and I are also working to merge the Department of Roads and the Department of Aeronautics into the Department of Transportation. Among other things, these efficiencies will allow us to put more money into runways and roads without sacrificing jobs. Thanks to Aeronautics Director Ronnie Mitchell and Roads Director Kyle Schneweis for all their work on this merger.

I also want to recognize my entire cabinet, who is with us in the gallery today. This dedicated bunch is working to transform the culture of state government and deliver better services at a lower cost. Thank you all for everything you do to serve the people of Nebraska.

I know that unnecessary regulations hamper job growth. This year, we need to continue to get rid of unnecessary regulations to empower everyone from car sales people, barbers, and cosmetologists to audiologists and massage therapists. We're going to help people who want to work in these professions get to work more quickly. Thank you to Senators Albrecht, Craighead, Geist, Erdman, Larson, Lindstrom, Lowe, and Riepe for introducing bills to cut red tape.

With initiatives like these, we have built a strong foundation in state government. The state of our state is strong.

Now, we also know we have challenges. Farm income has gone from \$7.5 billion just a few years ago, to \$4.5 billion in 2015 and probably close to \$4 billion last year.

As a result, we face reduced tax receipts. Our revenues were \$95 million below forecast in our last fiscal year and the forecasting board cut another \$172 million for the current fiscal year. The next biennium will require continued expense control.

As Nebraskans, we don't spend money we don't have. We balance our budgets. At the state level, we have maintained a healthy cash reserve and set spending priorities like education, public safety, and infrastructure. This commonsense approach has put us in a financial position where even a budget challenge like this one can be managed.

In a year where we have to make difficult budget decisions, we have to favor the taxpayer. Special interests have the ability to hire lobbyists to achieve their desired ends. As elected officials, we have a duty to be advocates for citizens and a voice of the people.

This is an opportunity for us to put our Nebraska grit to work like Don Stratton. Let's roll up our sleeves and do what needs to be done to chart a course for future prosperity.

Our first task is to adjust the current year budget to bring it to balance.

As I have said, it is easy to view a government budget as a collection of numbers in rows and columns next to agencies and programs, but behind the numbers are people's lives. The dollars that fund our budgets are dollars earned by hardworking Nebraskans. Additionally, our agencies and programs are designed to serve our citizens—and many of them are people in need.

With this in mind, I worked with my agencies and my budget office to prepare budget reductions, which I presented to you last week.

My proposal provides more resources for Child and Family Services, invests in education, protects reforms in Corrections, and balances the budget without raising taxes.

I will not support any effort to raise taxes on Nebraskans. As Ronald Reagan said, "Simple fairness dictates that government must not raise taxes on families that are struggling to pay their bills."

I urge you to take up this budget by the first week of February because there are less than six months left in this fiscal year. It is critical to finish this budget to lay the foundation for the next budget. I appreciate the work of Chairman John Stinner and all of the members of the Appropriations Committee on this effort.

Today, I present to you my recommendation on the upcoming biennium. Four principles guided my budget recommendations.

First, the revenue gap must be addressed without increasing taxes. Raiding the property tax credit relief fund, raising sales taxes, and taxing food and groceries would all harm Nebraska families and be bad for our economy.

Second, the budget must be balanced.

Third, we must reduce government expenditures.

Fourth, we targeted keeping around \$500 million in the cash reserve, so we are in good position to address future uncertainty.

Having said that, there are certain priorities we must continue to fund. That is why we propose an increase in funding for K-12 education. I know education is an investment in our children and our future. When most areas of the state budget are essentially flat, I am proposing a 2.7 percent average annual increase to K-12 education. That's a 5.4 percent increase for the biennium. I also recommend an additional three percent biennial increase in special education funding. This is significantly more than the overall state budget is growing and is responsible within our resources.

Now, you will be lobbied that this budget "doesn't fully fund education." That is not true. That statement is based upon a flawed school aid formula that encourages spending. The formula allows schools to grow their budgets 12 percent.

What I have proposed is responsible. It respects the taxpayer and prioritizes K-12 education with a significant increase, amounting to an historic high of over a billion dollars per year in general fund support.

Another priority is the Department of Corrections. Together, we made significant progress in an agency that had been neglected for years.



In addition to providing for the basic needs of more than 5,300 inmates, Corrections successfully launched an automated sentence calculation program, implemented the first-ever risks/needs assessment tool, reformed restrictive housing, completed a culture study and staffing analysis, expanded mental health and cognitive behavioral programming, created mission specific housing, and developed an inmate health plan while addressing pay and quality of life issues for Corrections officers.

With this budget proposal, we will reduce protective services vacancy rates, upgrade technology, and improve the Lincoln Correctional Center.

I want to thank Director Frakes and the members of his team, who are with us today. They put themselves in harm's way to keep us safe, and they have worked together to transform the culture of the agency. Please join me in thanking them.

We began work on this budget last June to right size appropriations with historical spending. Our recommendations are thoughtful and reflect the input of my agencies. These are reductions that can be made without affecting operations.

In the end, our first fiscal year increase is 1.5 percent followed by a 1.9 percent increase in the next fiscal year for a two-year average of a 1.7 percent increase in spending. This is in line with my current year recommendation.

As I travel the state, I hear almost universally from Nebraskans that they are taxed too much. So I am proposing both property and income tax reform.

Property taxes are too high, especially for our agricultural producers. Between 2003 and 2013, property taxes on farmers and ranchers rose by 137 percent.

As cattle and crop prices decline, it is important assessments drop as well. Taxes should correlate with income.

We have to think bold. We have to think long-term.

This year we have a chance to achieve lasting, fair, and structural property tax reform by changing the way we value ag land.

The Agricultural Valuation Fairness Act, sponsored by Ag Committee Chairwoman Lydia Brasch, changes the methodology for assessing property value from a market-based system to an income-potential assessment. Income potential is a much fairer measure, and will slow the growth of ag land valuation increases. If this system were in place for 2017, it would reduce ag land valuations by about \$2.2 billion.

Income potential based property tax assessment for ag land is used in North Dakota, South Dakota, Kansas, Iowa, Wisconsin, Illinois, Indiana, and Ohio. This method is much fairer and standard across ag states, which is why many Nebraska ag producers have suggested it to me.

We would implement this change beginning in 2019 to give local taxing entities and county assessors plenty of time to prepare.

In the past, Nebraska attempted to get property tax relief by putting more money into TEEOSA, the school aid formula. That has proven to be a failed policy. Historically, additional aid without spending restraint has only resulted in additional spending and higher property taxes.

Finally, I want to talk about reducing income taxes.

When it comes to the income tax, they get a reminder on the 1st and the 15th of every month when they get their paychecks.

It's not just Lincoln reaching into their pockets, it's Washington, D.C.

We can't control what happens in Washington, but we can here in Lincoln.

Let me tell you, our people get frustrated when they hear us talk about finding "revenues," "new resources," and "rebalancing." They know those are code words for raising their taxes!

The way to grow revenues is to grow the number of people who live here and create more and better paying jobs. To do that we have to be more competitive.

Only one of our bordering states has a higher income tax rate than Nebraska—that's Iowa. Wyoming and South Dakota have no income tax, and Colorado, Kansas, and Missouri all have lower rates. Our high tax rate hampers our ability to grow our economy over the long-term. It discourages new investment and chases away great people. If we want to outpace other Midwestern states, we have to be competitive on taxes.

Do you know it's been 20 years since middle class Nebraskans saw a cut in the income tax rates?

The hardworking people of Nebraska deserve better than for their elected officials to treat cutting income tax rates as a once-in-a-generation event!

Partnering with Revenue Chairman Jim Smith, we propose to take the top income tax rate down roughly one-tenth of one percent per year, starting in 2020, as long as our revenue growth exceeds 3.5 percent. In effect, we will have a trigger when we hit 3.5 percent growth to take that income tax rate from 6.84 percent down a little each year until it's under six percent. If our

revenue doesn't grow fast enough, the tax rate doesn't come down. It's that simple.

Now, I want to take a minute to address the top income bracket in Nebraska. In a world of hyper-political rhetoric, people are quick to say a reduction of the top income tax bracket is a "tax break for the rich."

Any single individual making \$29,831 is caught in the highest tax bracket. Folks, \$29,831 is not rich. It is middle class. Married couples making \$59,661 are also caught in that tax bracket, and that's more than half of them.

Nebraskans look at us and wonder why it's so hard for us to let them keep more of their money.

The only way to have sustainable tax relief is to control spending. Any opportunity for tax relief is fundamentally the difference between spending restraint and revenue growth.

Controlling spending must come first.

Detractors of this tax relief will point to states that reduced taxes before reducing spending and then struggled to catch up. That's not how we do things here. We are controlling spending first. That is responsible budgeting and responsible tax relief—it's the Nebraska way.

Join me in helping middle class working families. Let's spur economic growth and make Nebraska more attractive to businesses and families looking to relocate. Let's do it the Nebraska way. The reductions we make to the budget to balance it, and continued attention to controlling spending will allow us to cut taxes and grow Nebraska.

This isn't easy. It will require Nebraska grit.

Speaking of grit, there is one other thing I didn't tell you about Don Stratton. After several months of surgeries and rehabilitation at Naval Hospitals, he was sent home to his parents in Red Cloud. Then after several more months of recuperating, Stratton reenlisted. That's right. He reenlisted.

He had to convince the draft board in Omaha to take him back in the service. They made him go through boot camp again to make sure he was physically up to it. He made it and went back to the Pacific Theater.

He was assigned to a destroyer where he protected U.S. Marines in the invasion of Okinawa. After 82 days of brutal combat, the U.S. forces took Okinawa. Don Stratton, nearly fatally injured in the first American battle of World War II played an important role in one of the last battles of the war.

Don Stratton finished the war. Now, it is our job to finish the work in front of us. With determination, we can address our challenges and position our state for future long-term growth. We can balance the budget, set spending priorities, deliver essential services, all without raising taxes on Nebraska families. And by controlling spending, we can set ourselves up for future tax relief.

That's the Nebraska way.

Folks, this is our opportunity to demonstrate what a little Nebraska grit and a free economy have to offer. The sky is the limit. I look forward to working with each of you to keep Nebraska the best place in the world to live, work, and raise a family.

God bless you all for your work, God bless America, and God bless the great state of Nebraska. Thank you.

The committee escorted Governor Pete Ricketts from the Chamber.

### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 327.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2019; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 328.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2017-18 and FY2018-19; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 329.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2017-18 and FY2018-19; to define terms; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 330.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements and a request for funding; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 331.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to funds; to amend sections 24-231, 29-4115.01, 71-1001, and 81-15,175, Reissue Revised Statutes of Nebraska, and sections 7-209, 47-632, 61-218, 66-1519, 72-1001, and 72-2211, Revised Statutes Cumulative Supplement, 2016; to provide for transfers; to create funds; to harmonize provisions; to change provisions governing funds; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 332.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2016; to change and provide for transfers; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 333.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1005, Reissue Revised Statutes of Nebraska; to eliminate an independent review of denial of aid to the disabled; and to repeal the original section.

**LEGISLATIVE BILL 334.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to children; to amend sections 43-2201, 43-2203, 43-2205, and 43-2209, Reissue Revised Statutes of Nebraska; to change provisions relating to family finding; to eliminate a pilot project and provisions relating to appropriations; to harmonize provisions; to repeal the original sections; and to outright repeal sections 43-2204, 43-2206, and 43-2208, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 335.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to child care; to amend section 43-536, Reissue Revised Statutes of Nebraska; to change provisions relating to a rates of reimbursement market survey; and to repeal the original section.

**LEGISLATIVE BILL 336.** Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to the Child Protection and Family Safety Act; to amend section 28-718, Reissue Revised Statutes of Nebraska; to provide a fee for central registry record checks; and to repeal the original section.

**LEGISLATIVE BILL 337.** Introduced by Smith, 14; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.01 and 77-2715.03, Revised Statutes Cumulative Supplement, 2016; to change income tax rates and provide for deferrals of such changes as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 338.** Introduced by Brasch, 16; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 46-294.03, 77-103.01, 77-1507.01, 77-5023, and 79-1016, Reissue Revised Statutes of Nebraska, and sections 76-710.04, 77-201, 77-1327, 77-1359, 77-1363, 77-1371, 77-1502, 77-4212, 77-5007, 77-5022, and 79-1036, Revised Statutes Cumulative Supplement, 2016; to adopt the Agricultural Valuation Fairness Act; to change and eliminate provisions relating to the valuation of agricultural land and horticultural land and protests of such valuation; to change the Tax Equalization and Review Commission Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-1343, 77-1344, 77-1345, 77-1345.01, 77-1346, and 77-1347.01, Reissue Revised Statutes of Nebraska, and section 77-1347, Revised Statutes Cumulative Supplement, 2016.

**LEGISLATIVE BILL 339.** Introduced by Friesen, 34; at the request of the Governor.

A BILL FOR AN ACT relating to government; to amend sections 3-101, 3-102, 3-103, 3-104, 3-105, 3-107, 3-108, 3-109, 3-110, 3-111, 3-113, 3-114, 3-115, 3-116, 3-117, 3-118, 3-119, 3-120, 3-121, 3-123, 3-124, 3-125, 3-126, 3-127, 3-128, 3-131, 3-133, 3-134, 3-135, 3-137, 3-139, 3-140, 3-141, 3-142, 3-143, 3-144, 3-145, 3-146, 3-147, 3-148, 3-149, 3-152, 3-154, 3-155, 3-156, 3-157, 3-158, 3-201, 3-201.01, 3-215, 3-218, 3-222, 3-227, 3-228, 3-239, 3-332, 3-403, 3-404, 3-405, 3-407, 3-409, 12-1205, 13-912, 13-1203, 14-2113, 18-601, 18-613, 25-2501, 31-925, 39-102, 39-103, 39-202, 39-203, 39-204, 39-205, 39-206, 39-207, 39-208, 39-210, 39-211, 39-212, 39-213, 39-214, 39-216, 39-217, 39-218, 39-219, 39-220, 39-221, 39-222, 39-223, 39-224, 39-225, 39-308, 39-311, 39-312, 39-805, 39-822, 39-826.01, 39-826.02, 39-847, 39-847.01, 39-892, 39-1010, 39-1011, 39-1101, 39-1110, 39-1302, 39-1306.01, 39-1306.02, 39-1311,

39-1320, 39-1323.01, 39-1328.01, 39-1328.02, 39-1345.01, 39-1350, 39-1353, 39-1359.01, 39-1363, 39-1364, 39-1365.01, 39-1365.02, 39-1390, 39-1392, 39-1407, 39-1503, 39-1703, 39-1713, 39-1901, 39-2001, 39-2002, 39-2105, 39-2106, 39-2107, 39-2110, 39-2111, 39-2112, 39-2113, 39-2115, 39-2116, 39-2118, 39-2120, 39-2121, 39-2124, 39-2215, 39-2224, 39-2305, 39-2310, 39-2504, 39-2505, 39-2507, 39-2508, 39-2514, 39-2515, 39-2517, 39-2518, 39-2602, 39-2702, 39-2802, 39-2806, 46-251, 49-506, 55-181, 57-1102, 60-631, 60-658.01, 60-680, 60-695, 60-699, 60-6,101, 60-6,102, 60-6,103, 60-6,106, 60-6,107, 60-6,115, 60-6,118, 60-6,120, 60-6,126.01, 60-6,129, 60-6,130, 60-6,137, 60-6,138, 60-6,139, 60-6,145, 60-6,159, 60-6,164, 60-6,166, 60-6,167, 60-6,171, 60-6,176, 60-6,177, 60-6,186, 60-6,188, 60-6,189, 60-6,190, 60-6,193, 60-6,250, 60-6,292, 60-6,301, 60-6,311, 60-6,314, 60-6,335, 60-6,376, 60-1301, 60-1302, 60-1303, 66-6,109.02, 66-821, 66-822, 69-1701, 70-309, 72-108, 72-221, 72-221.01, 72-817, 74-1310, 74-1314, 74-1318, 74-1319, 74-1331, 74-1332, 74-1333, 74-1334, 74-1335, 74-1336, 74-1338, 74-1340, 74-1341, 74-1342, 74-1343, 75-713, 75-716, 76-1224, 79-604, 81-101, 81-102, 81-161.04, 81-188.01, 81-701.01, 81-701.02, 81-701.03, 81-701.04, 81-701.05, 81-710, 81-916, 81-917, 81-1108.22, 81-1114, 81-1711, 81-2801, 82-120, 82-505, 83-137, 85-1008, 86-707, 90-238, and 90-260, Reissue Revised Statutes of Nebraska, and sections 3-106, 3-159, 3-303, 3-407.01, 3-408, 13-520, 13-1210, 13-1212, 49-617, 57-1407, 60-507, 60-6,144, 60-6,153, 60-6,154, 60-6,230, 60-6,267, 60-6,288, 60-6,294, 60-6,297, 60-6,298, 60-6,299, 60-6,378, 60-6,380, 60-3101, 66-489.02, 66-4,100, 66-4,144, 66-738, 73-507, 77-3442, 77-3443, 81-8,310, 81-1108.15, 81-1108.43, and 81-3711.01, Revised Statutes Cumulative Supplement, 2016; to merge the Department of Aeronautics into the Department of Roads; to create the Division of Aeronautics; to rename the Department of Roads as the Department of Transportation; to provide for transfer of powers, duties, personnel, funds, rights, and property as prescribed; to rename a fund; to eliminate the Department of Aeronautics; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 340.** Introduced by Murante, 49; at the request of the Governor.

A BILL FOR AN ACT relating to veterans homes; to amend sections 80-314, 80-315, 80-316, 80-317, 80-319, 80-320, 80-321, 80-322, 81-1316, 81-3113, 81-3116, 83-107.01, and 83-108, Reissue Revised Statutes of Nebraska; to name the Nebraska Veterans Services Act; to transfer powers and duties from the Division of Veterans' Homes of the Department of Health and Human Services to the Department of Veterans' Affairs; to provide for transfer of personnel, property, funds, rights, and duties as prescribed; to create a fund; to eliminate the division; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 341.** Introduced by Lindstrom, 18; at the request of the Governor.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-139, Reissue Revised Statutes of Nebraska; to change provisions relating to executive officer license revocation and suspension; to provide a civil penalty; to provide powers and duties for the Department of Banking and Finance and the Director of Banking and Finance; to provide for an exemption from the license requirement as prescribed; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 342.** Introduced by Erdman, 47; at the request of the Governor.

A BILL FOR AN ACT relating to nurses; to amend sections 38-2201, 38-2202, 38-2223, and 38-2225, Reissue Revised Statutes of Nebraska; to define a term; to provide for licensure by reciprocity for military spouses as prescribed; to provide for temporary licenses; to adopt the Nurse Licensure Compact; to provide for termination of and withdrawal from the prior Nurse Licensure Compact; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 343.** Introduced by Riepe, 12; at the request of the Governor.

A BILL FOR AN ACT relating to health and human services; to amend sections 38-1005, 38-1017, 38-1018, 38-1028, 38-1038, 38-1043, 38-1058, 38-1061, 38-1062, 38-1063, 38-1066, 38-1069, 38-1070, 38-1073, 38-1074, 38-1075, 38-1086, 38-1097, 38-1099, 38-10,100, 38-10,102, 38-10,103, 38-10,104, 38-10,105, 38-10,112, 38-10,120, 38-10,128, 38-10,129, 38-10,133, 38-10,135, 38-10,142, 38-10,147, 38-10,150, 38-10,152, 38-10,153, 38-10,171, 38-1509, 38-1512, and 38-1703, Reissue Revised Statutes of Nebraska, and section 71-208, Revised Statutes Cumulative Supplement, 2016; to change and eliminate definitions in the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to eliminate provisions relating to cosmeticians, cosmetic establishments, electrology establishments, guest artists, guest body artists, students, and schools; to change licensure requirements for cosmetologists, nail technicians, instructors, audiologists, massage therapists, and barbers; to change and eliminate operating requirements for salons and schools; to eliminate liability of managers as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 38-1013, 38-1014, 38-1022, 38-1029, 38-1030, 38-1071, 38-1072, 38-1091, 38-1092, 38-1093, 38-1094, 38-1095, 38-1096, 38-10,106, and 38-10,155, Reissue Revised Statutes of Nebraska.



**LEGISLATIVE BILL 344.** Introduced by Albrecht, 17; at the request of the Governor.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 28-401, 38-319, 38-321, 38-2104, 38-2117, 38-2122, 38-2123, 38-2124, 38-2125, 38-2826.01, 44-772, 44-776, 44-777, 44-793, 71-423, and 71-430, Reissue Revised Statutes of Nebraska, and sections 68-1017.02, 71-401, 71-403, 71-413, 71-2411, 71-2445, and 77-2704.12, Revised Statutes Cumulative Supplement, 2016; to change credentialing provisions relating to mental health and substance use disorders under the Health Care Facility Licensure Act and the Uniform Credentialing Act; to provide for mental health substance abuse centers; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 345.** Introduced by Craighead, 6; at the request of the Governor.

A BILL FOR AN ACT relating to the Abstracters Act; to amend sections 76-542 and 76-546, Reissue Revised Statutes of Nebraska; to eliminate an experience requirement for registered abstracters and temporary certificates of registration; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 346.** Introduced by Lowe, 37; at the request of the Governor.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend sections 60-1406, 60-1407, 60-1410, 60-1411, 60-1411.01, 60-1411.02, 60-1413, and 60-1416, Reissue Revised Statutes of Nebraska, and section 60-1403.01, Revised Statutes Cumulative Supplement, 2016; to eliminate the requirement for a motor vehicle, motorcycle, or trailer salesperson license; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 347.** Introduced by Geist, 25; at the request of the Governor.

A BILL FOR AN ACT relating to school bus permits and qualifications; to amend section 79-608, Reissue Revised Statutes of Nebraska, and section 60-4,115, Revised Statutes Cumulative Supplement, 2016; to eliminate certain fees and requirements duplicated under federal law; to change powers and duties of the Department of Motor Vehicles and the State Department of Education; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 348.** Introduced by Larson, 40; at the request of the Governor.

A BILL FOR AN ACT relating to the Nebraska Potato Development Act; to amend sections 2-1801 and 2-1809, Reissue Revised Statutes of Nebraska,

and section 2-1808, Revised Statutes Cumulative Supplement, 2016; to eliminate provisions relating to licenses, an excise tax, and enforcement; to terminate a fund; to eliminate definitions and a penalty; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 2-1805, 2-1806, 2-1810, 2-1811, and 2-1812, Reissue Revised Statutes of Nebraska, and section 2-1807, Revised Statutes Cumulative Supplement, 2016; and to declare an emergency.

**LEGISLATIVE BILL 349.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend section 29-4115.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the maintenance and administration of the State DNA Sample and Data Base Fund; and to repeal the original section.

**LEGISLATIVE BILL 350.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2264, Reissue Revised Statutes of Nebraska; to provide a procedure for setting aside convictions for misdemeanors and felonies as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 351.** Introduced by McCollister, 20; Brewer, 43; Crawford, 45; Kolowski, 31; Krist, 10; Lowe, 37; Smith, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend section 80-414, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-4,117, 60-4,144, and 60-4,189, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to veteran designations on operators' licenses and state identification cards; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 352.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to electricity; to adopt the Wind, Solar, and Fuel Cell Business Financing Act.

**LEGISLATIVE BILL 353.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-918, Reissue Revised Statutes of Nebraska; to change provisions relating to the payment of claims, awards, and judgments under the Political Subdivisions Tort Claims Act; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 354.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to labor; to adopt the Wage Disclosure Act.

**NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Tuesday, January 17, 2017 1:30 p.m.

LB14 (cancel)

(Signed) Mike Groene, Chairperson

Judiciary

Room 1113

Friday, January 20, 2017 2:00 p.m.

LB37

LB136

LB229

LB105

(Signed) Laura Ebke, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 12.** Introduced by Kuehn, 38.

WHEREAS, the Thomas Jefferson Award is the highest award given by the National Weather Service to volunteer cooperative weather observers; and

WHEREAS, the Thomas Jefferson Award honors outstanding achievement in the field of meteorological observation; and

WHEREAS, Michael Overturf has been an exceptional observer since July 1978, never missing a single observation despite two knee surgeries and a major heart surgery; and

WHEREAS, Michael Overturf is known for reporting precise weather information and providing critical information on hazardous weather events during extreme weather conditions; and

WHEREAS, Michael Overturf was presented the Thomas Jefferson Award for his superior service.

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

1. That the Legislature congratulates Michael Overturf on receiving the Thomas Jefferson Award.

2. That a copy of this resolution be sent to Michael Overturf.

Laid over.

**VISITOR(S)**

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

**ADJOURNMENT**

At 10:45 a.m., on a motion by Senator Schumacher, the Legislature adjourned until 10:00 a.m., Friday, January 13, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**EIGHTH DAY - JANUARY 13, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 13, 2017

**PRAYER**

The prayer was offered by Senator Crawford.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senator Geist who was excused; and Senator Groene who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventh day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB231	Banking, Commerce and Insurance
LB232	Revenue
LB233	Revenue
LB234	Revenue
LB235	Education
LB236	Revenue
LB237	Government, Military and Veterans Affairs
LB238	Revenue
LB239	Banking, Commerce and Insurance
LB240	Government, Military and Veterans Affairs
LB241	Banking, Commerce and Insurance
LB242	Appropriations
LB243	Judiciary
LB244	Business and Labor
LB245	Judiciary
LB246	Education

LB247	Education
LB248	Business and Labor
LB249	Revenue
LB250	Judiciary
LB251	Revenue
LB252	Government, Military and Veterans Affairs
LB253	Revenue
LB254	General Affairs
LB255	Health and Human Services
LB256	Urban Affairs
LB257	Banking, Commerce and Insurance
LB258	Judiciary
LB259	Judiciary
LB260	Agriculture
LB261	Business and Labor
LB262	Urban Affairs
LB263	Transportation and Telecommunications
LB264	Business and Labor
LB265	Education
LB266	Revenue
LB267	Health and Human Services
LB268	Judiciary
LB269	Judiciary
LB270	Appropriations
LB271	Transportation and Telecommunications
LB272	Revenue
LB273	Business and Labor
LB274	Agriculture
LB275	Transportation and Telecommunications
LB276	Agriculture
LB277	Government, Military and Veterans Affairs
LB278	Nebraska Retirement Systems
LB279	Transportation and Telecommunications
LB280	Government, Military and Veterans Affairs
LB281	Appropriations
LB282	Health and Human Services
LB283	Health and Human Services
LB284	Health and Human Services
LB285	Health and Human Services
LB286	Banking, Commerce and Insurance
LB287	Health and Human Services
LB288	Revenue
LB289	Judiciary
LB290	Government, Military and Veterans Affairs
LB291	Revenue
LB292	Banking, Commerce and Insurance
LB293	Judiciary
LB294	Transportation and Telecommunications
LB295	Revenue

LB296 Judiciary  
LB297 Health and Human Services

(Signed) Dan Watermeier, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARING(S)**  
Banking, Commerce and Insurance

Room 1507

Monday, January 23, 2017 1:30 p.m.

LB140  
LB184  
LB185  
LB186  
LB196

(Signed) Brett Lindstrom, Chairperson  
Natural Resources

Room 1525

Friday, January 20, 2017 1:30 p.m.

Patrick Berggren - Game and Parks Commission  
Henry Rick Brandt - Game and Parks Commission  
James Ernst - Game and Parks Commission

(Signed) Dan Hughes, Chairperson

**CONFLICT OF INTEREST STATEMENTS**

Pursuant to Rule 1, Sec. 19, Senators Bolz and Larson have filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

**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>

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 12, 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

American Communications Group, Inc.  
UNO Chapter of the AAUP  
Baird Holm LLP  
Moran's Liquor Works, LLC  
Bartee, Robert D.  
University of Nebraska  
Clark, Dick  
Nebraska Firearms Owners Association (NFOA)  
Cox, Charles  
Nebraska Gun Owners  
CP Strategies LLC  
PACE SAGE, LLC  
Kelley Plucker, LLC  
Guardian Tax Partners  
Nebraska Coalition of Agricultural Manufacturers  
Matulka, Mark  
Mosaic  
Mueller Robak  
Kissel/E&S Associates, LLC  
Nathan, Robbie  
AARP Nebraska  
Nowka & Edwards  
Nebraska State Dairy Association  
Pickering, Barbara  
University of Nebraska  
Radcliffe, Walter H. of Radcliffe and Associates  
New Venture Fund

**MOTION(S) - Withdraw LB125**

Senator Brasch offered her motion, MO6, found on page 174, to withdraw LB125.

The Brasch motion to withdraw the bill prevailed with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 355.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised



Statutes Cumulative Supplement, 2016; to provide for Native American Cultural Awareness and History Plates; to create a fund and provide for its use; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 356.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend section 13-208, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to tax credits as prescribed; to define a term; to create and provide uses for a fund; to provide powers and duties; to provide for transfers of funds; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 357.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to vehicles; to amend sections 60-154 and 60-301, Revised Statutes Cumulative Supplement, 2016; to increase original certificate of title fees for vehicles transferred to Nebraska from another state; to provide for distribution of such fees; to provide for a voluntary contribution for programs for persons suffering from a brain injury when registering a vehicle; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 358.** Introduced by McCollister, 20; Crawford, 45; Howard, 9; Morfeld, 46; Pansing Brooks, 28; Walz, 15.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the Supplemental Nutrition Assistance Program; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 359.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to adverse possession; to authorize damages for property taxes and special assessments paid on property lost through adverse possession.

**LEGISLATIVE BILL 360.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to surgical technologists; to amend section 38-2025, Reissue Revised Statutes of Nebraska; to adopt the Surgical Technologist Registry Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 361.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2016; to exempt sales of clothing and footwear from sales and use taxes as

prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 362.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Health Savings Account Act; and to provide an operative date.

**LEGISLATIVE BILL 363.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to the Conveyance Safety Act; to amend sections 48-2503, 48-2504, 48-2507, 48-2508, 48-2512, 48-2516, and 48-2529, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the Conveyance Advisory Committee, the applicability of and exemptions from the act, requirements for work done on conveyances, certificates of inspection, and temporary and emergency licenses; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 364.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Professional Landscape Architects Act; to amend sections 81-8,183.01, 81-8,184, 81-8,186, 81-8,191, 81-8,191.01, 81-8,192, 81-8,194, 81-8,196, 81-8,198, 81-8,199, 81-8,200, 81-8,202, 81-8,204, 81-8,205, and 81-8,206, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to licensure and regulation of professional landscape architects; to provide and change penalties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-8,184.01, 81-8,185, 81-8,187, 81-8,188, 81-8,195, 81-8,197, 81-8,200.01, 81-8,200.02, 81-8,201, and 81-8,203, Reissue Revised Statutes of Nebraska.

#### **MOTION(S) - Rerefer LB68**

Senator Chambers offered his motion, MO3, found on page 130, to rerefer LB68 to the Judiciary Committee, pursuant to Rule 6, Section 2(a).

Pending.

#### **NOTICE OF COMMITTEE HEARING(S)**

Agriculture

Room 2102

Tuesday, January 24, 2017 1:30 p.m.

LB135

LB276

Tuesday, January 24, 2017 1:30 p.m.

Dennis Hoffman - Nebraska State Fair Board

(Signed) Lydia Brasch, Chairperson

Education

Room 1525

Monday, January 23, 2017 1:30 p.m.

LB103

LB235

LB109

(Signed) Mike Groene, Chairperson

Nebraska Retirement Systems

Room 1525

Tuesday, January 31, 2017 12:00 p.m.

LB219

Room 1507

Tuesday, February 7, 2017 4:30 p.m.

LB30

(Signed) Mark Kolterman, Chairperson

Transportation and Telecommunications

Room 1113

Monday, January 23, 2017 1:30 p.m.

LB86

LB271

LB114

Tuesday, January 24, 2017 1:30 p.m.

LB164

LB177

(Signed) Curt Friesen, Chairperson

## Health and Human Services

Room 1510

Friday, January 20, 2017 1:30 p.m.

LB195  
LB284

(Signed) Merv Riepe, Chairperson

**MOTION(S) - Rerefer LB68**

Senator Chambers renewed his motion, MO3, found on page 130 and considered in this day's Journal, to rerefer LB68 to the Judiciary Committee, pursuant to Rule 6, Section 2(a).

**SENATOR KRIST PRESIDING****SPEAKER SCHEER PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

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

Voting in the affirmative, 17:

Baker	Hansen	McCollister	Quick	Wishart
Blood	Howard	McDonnell	Vargas	
Bolz	Kolowski	Morfeld	Walz	
Crawford	Krist	Pansing Brooks	Wayne	

Voting in the negative, 24:

Albrecht	Craighead	Halloran	Kuehn	Riepe
Bostelman	Ebke	Hilgers	Larson	Scheer
Brasch	Erdman	Hughes	Linehan	Smith
Brewer	Friesen	Kintner	Lowe	Watermeier
Briese	Groene	Kolterman	Murante	

Present and not voting, 5:

Chambers	Harr	Hilkemann	Schumacher	Williams
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Excused and not voting, 3:

Geist	Lindstrom	Stinner
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The Chambers motion to rerefer the bill failed with 17 ayes, 24 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO9

Reconsider the vote taken to rerefer the bill to the Judiciary Committee.

Senator Chambers asked unanimous consent to withdraw his motion, MO9, to reconsider the vote. No objections. So ordered.

### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 365.** Introduced by Blood, 3; Crawford, 45.

A BILL FOR AN ACT relating to public records; to amend sections 84-712, 84-712.01, and 84-712.07, Reissue Revised Statutes of Nebraska, and section 84-712.05, Revised Statutes Cumulative Supplement, 2016; to define a term; to change provisions relating to access to and fees for public records; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 366.** Introduced by Halloran, 33.

A BILL FOR AN ACT relating to parole; to amend sections 28-322, 29-2252, 29-2935, 29-4019, 71-961, 81-1401, 83-174.03, 83-174.04, 83-174.05, 83-191, 83-192, 83-198, 83-1,102, 83-1,103, 83-1,103.01, 83-1,103.02, 83-1,103.03, 83-1,103.04, 83-1,104, 83-1,107.01, 83-1,107.02, 83-1,109, 83-1,111, 83-1,112, 83-1,112.01, 83-1,114, 83-1,118, 83-1,120, 83-1,121, and 83-1,125, Reissue Revised Statutes of Nebraska, sections 47-624, 47-624.01, 47-627, 47-629, 47-903, 47-908, 47-919, 83-170, 83-171, 83-1,100, 83-1,100.02, 83-1,101, 83-1,107, 83-1,119, 83-1,135, and 83-933, Revised Statutes Cumulative Supplement, 2016, and section 29-2261, Revised Statutes Cumulative Supplement, 2014, as amended by Laws 2015, LB 504, section 1; to move and rename the Office of Parole Administration and to change the title of Parole Administrator; to change provisions relating to administration of parole services; to create and provide for use of a fund; to change and provide powers and duties; to eliminate deputy parole officers and provisions relating to a violation of parole as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 83-1,124, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 367.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to juveniles; to amend section 43-290.01, Reissue Revised Statutes of Nebraska; to change provisions relating to payment of costs as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 368.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to motorcycles and mopeds; to amend section 60-6,279, Reissue Revised Statutes of Nebraska; to change helmet provisions and passenger age limits; to require eye protection; and to repeal the original section.

**LEGISLATIVE BILL 369.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to recording fees; to amend sections 25-2154 and 33-109, Reissue Revised Statutes of Nebraska, and sections 52-1004 and 77-3903, Revised Statutes Cumulative Supplement, 2016; to provide additional uses of fees charged by a register of deeds for recording certain records as prescribed; to change fees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 370.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to firearms; to amend sections 28-636 and 71-961, Reissue Revised Statutes of Nebraska, and sections 71-904.01, 71-963, and 83-109, Revised Statutes Cumulative Supplement, 2016; to eliminate the requirement to obtain a certificate or complete a background check to purchase, lease, rent, or receive transfer of a handgun and to eliminate related provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 69-2401, 69-2404, 69-2405, 69-2406, 69-2407, 69-2408, 69-2410, 69-2411, 69-2412, 69-2413, 69-2414, 69-2415, 69-2416, 69-2417, 69-2418, 69-2419, 69-2420, 69-2421, 69-2422, 69-2424, and 69-2425, Reissue Revised Statutes of Nebraska, and sections 69-2402, 69-2403, 69-2409, 69-2409.01, and 69-2423, Revised Statutes Cumulative Supplement, 2016.

**LEGISLATIVE BILL 371.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 81-526, Reissue Revised Statutes of Nebraska; to eliminate condemnation authority of the State Fire Marshal; to harmonize provisions; to repeal the original section; and to outright repeal sections 81-513, 81-514, 81-515, 81-516, 81-517, 81-518, and 81-519, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 372.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend sections 48-1101, 48-1104, 48-1105, 48-1106, 48-1107, 48-1108, 48-1113, 48-1115, 48-1119, 48-1122, and 48-1124, Reissue Revised Statutes of Nebraska, and sections 48-1102, 48-1111, and 48-1117, Revised Statutes Cumulative Supplement, 2016; to provide protections for employees with family care responsibilities; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 373.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to law; to amend sections 39-2701, 77-2101.01, 77-2101.02, 77-2101.03, 77-2701.10, 77-2701.34, 77-2701.47, 77-2704.55, 77-2716.01, 77-2716.03, 77-3505.02, 77-4209, 77-5023, and 79-1016, Reissue Revised Statutes of Nebraska, and sections 13-3103, 77-201, 77-1116, 77-1237, 77-2701.16, 77-2703, 77-2704.10, 77-2708, 77-2715, 77-2715.03, 77-2715.07, 77-2716, 77-2717, 77-2734.07, 77-2734.14, 77-27,132, 77-27,235, 77-2912, 77-3501.01, 77-3507, and 77-5725, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to applications under the Sports Arena Facility Financing Assistance Act; to terminate the Build Nebraska Act and the Personal Property Tax Relief Act; to change and eliminate revenue and taxation provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 77-2715.09, Reissue Revised Statutes of Nebraska, and sections 77-2704.57, 77-2704.64, 77-2708.01, 77-2715.08, and 77-4212, Revised Statutes Cumulative Supplement, 2016.

**LEGISLATIVE BILL 374.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2734.03, 77-5725, and 77-5726, Revised Statutes Cumulative Supplement, 2016; to provide income tax credits for corporate income taxes paid as prescribed; to change provisions relating to sunset dates and the use of credits under the Nebraska Advantage Act; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 375.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Credit Union Act; to amend sections 21-1701, 21-1709, 21-1724, 21-1736, 21-1740, 21-1741, and 21-1782, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change procedures relating to application notifications and examination reports; to change provisions relating to credit unions' powers, safe deposit boxes, and joint accounts; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 21-1725 and 21-17,116, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 376.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to state property; to donate certain property to the Northeast Community College Area as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 377.** Introduced by Education Committee: Groene, 42, Chairperson; Ebke, 32; Erdman, 47; Kolowski, 31; Linehan, 39; Morfeld, 46; Pansing Brooks, 28; Walz, 15.

A BILL FOR AN ACT relating to schools; to amend sections 32-570, 32-606, 32-1007, 32-1303, 48-303, 72-2304, 77-3444, 79-102, 79-104,

79-203, 79-407, 79-413, 79-415, 79-418, 79-419, 79-434, 79-443, 79-447, 79-451, 79-458, 79-470, 79-473, 79-479, 79-4,108, 79-4,129, 79-501, 79-506, 79-524, 79-525, 79-526, 79-547, 79-550, 79-554, 79-559, 79-564, 79-569, 79-570, 79-572, 79-577, 79-578, 79-579, 79-580, 79-581, 79-586, 79-587, 79-588, 79-594, 79-598, 79-5,104, 79-605, 79-728, 79-828, 79-850, 79-1029, 79-1030, 79-1045, 79-1065.02, 79-1072, 79-1089, 79-1090, 79-1098, 79-10,100, 79-10,101, 79-10,103, 79-10,114, 79-10,117, 79-10,118, 79-1108.02, 79-1217, and 79-1504, Reissue Revised Statutes of Nebraska, and sections 13-508, 79-101, 79-234, 79-499, 79-4,123, 79-528, 79-576, 79-611, 79-1003, 79-1036, 79-1075, 79-10,110, 79-10,110.02, and 79-10,120, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to classification of school districts; to harmonize provisions; to repeal the original sections; and to outright repeal sections 10-704, 10-716.01, 23-3302, 32-541, 32-542, 32-546, 79-401, 79-402, 79-403, 79-404, 79-406, 79-410, 79-411, 79-416, 79-417, 79-423, 79-424, 79-425, 79-426, 79-427, 79-431, 79-452, 79-453, 79-454, 79-455, 79-472, 79-477, 79-478, 79-492, 79-493, 79-494, 79-495, 79-4,100, 79-4,101, 79-4,102, 79-4,103, 79-4,104, 79-4,109, 79-4,110, 79-4,111, 79-519, 79-523, 79-540, 79-541, 79-542, 79-548, 79-553, 79-556, 79-557, 79-558, 79-563, 79-565, 79-568, 79-585, 79-5,107, 79-5,108, 79-716, 79-717, 79-8,110, 79-1027.01, 79-1077, 79-1078, 79-1083.02, 79-1099, 79-10,111, 79-10,113, 79-10,121, 79-10,122, 79-10,123, 79-10,124, and 79-10,125, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 378.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Correctional Services.

**LEGISLATIVE BILL 379.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to state funds; to amend sections 82-129 and 82-130, Reissue Revised Statutes of Nebraska, and section 81-3714, Revised Statutes Cumulative Supplement, 2016; to state intent; to create a fund; to transfer funds; to change provisions relating to the Willa Cather historical buildings; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 380.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716.01, Reissue Revised Statutes of Nebraska, and section 77-2715.03, Revised Statutes Cumulative Supplement, 2016; to change an income tax rate as prescribed; to change provisions relating to itemized deductions and standard deductions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 381.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to juries; to amend section 29-2022, Reissue



Revised Statutes of Nebraska; to change provisions relating to jury sequestration; and to repeal the original section.

**LEGISLATIVE BILL 382.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to budgets; to amend sections 13-518 and 13-519, Revised Statutes Cumulative Supplement, 2016; to redefine a term; to change provisions relating to budget limitations; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 383.** Introduced by Quick, 35; Albrecht, 17; Blood, 3; Morfeld, 46; Wishart, 27.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-2102.01, 18-2715, and 19-926, Reissue Revised Statutes of Nebraska; to change membership provisions for certain community redevelopment authorities, citizen advisory review committees, and planning commissions; and to repeal the original sections.

**LEGISLATIVE BILL 384.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Installment Loan Act; to amend section 45-1024, Revised Statutes Cumulative Supplement, 2016; to change the rate of interest to be charged on installment loans; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 385.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission Act; to amend sections 77-5013 and 77-5016, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to who may execute appeals and the burden of proof for certain appeals; and to repeal the original sections.

**LEGISLATIVE BILL 386.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Delayed Deposit Services Licensing Act; to amend section 45-919, Reissue Revised Statutes of Nebraska; to change the time period a licensee under the act may hold a check; and to repeal the original section.

**LEGISLATIVE BILL 387.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to economic development; to amend sections 77-5902, 77-5904, 81-1201.15, 81-1201.20, and 81-12,156, Reissue Revised Statutes of Nebraska, and sections 58-708, 77-5903, 77-5905, 77-6302, 77-6306, 77-6307, and 81-12,153, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the use of funds under the Nebraska Affordable Housing Act; to eliminate provisions relating to

distressed areas in the Nebraska Advantage Microenterprise Tax Credit Act, the Angel Investment Tax Credit Act, and the Business Innovation Act; to change provisions relating to confidentiality requirements, the Business Recruitment Division, and rules and regulations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 388.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to notaries; to amend section 45-740, Reissue Revised Statutes of Nebraska, and sections 64-301 and 64-308, Revised Statutes Cumulative Supplement, 2016; to authorize remote electronic notarial acts as prescribed; to provide standards for video and audio conference technology used for such notarial acts; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 389.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to telecommunications and technology; to adopt the Small Wireless Facilities Act; to provide a duty for the Revisor of Statutes; and to provide an operative date.

**LEGISLATIVE BILL 390.** Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.11, Reissue Revised Statutes of Nebraska; to change provisions relating to flood protection and water quality enhancement bonds; and to repeal the original section.

**LEGISLATIVE BILL 391.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to the Optometry Practice Act; to amend sections 38-2604, 38-2605, 38-2614, and 38-2615, Reissue Revised Statutes of Nebraska; to redefine terms; to provide requirements for use of injections and surgical procedures; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 392.** Introduced by Larson, 40; Wayne, 13.

A BILL FOR AN ACT relating to economic development; to adopt the Wind Friendly Counties Act.

**LEGISLATIVE BILL 393.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend sections 81-8,134 and 81-8,138, Reissue Revised Statutes of Nebraska, and sections 81-8,129, 81-8,130.01, 81-8,132, 81-8,133, 81-8,133.01, 81-8,135, and 81-8,139, Revised Statutes Cumulative Supplement, 2016; to authorize the regulation of kickboxing; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 394.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to domestic violence; to amend sections 28-1206, 42-903, and 42-924, Reissue Revised Statutes of Nebraska; to change provisions relating to possession of a deadly weapon by a prohibited person and domestic violence protection orders; to redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 395.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to bail; to amend sections 29-901, 29-901.01, and 29-901.05, Reissue Revised Statutes of Nebraska; to change provisions relating to conditions and ability to pay; and to repeal the original sections.

**LEGISLATIVE BILL 396.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-502, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to determination of residency; and to repeal the original section.

**LEGISLATIVE BILL 397.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-283, Reissue Revised Statutes of Nebraska; to require application of the Nebraska Evidence Rules at parental termination hearings as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 398.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to public health and welfare; to require certification of swimming instructors and lifeguards as prescribed.

**LEGISLATIVE BILL 399.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend sections 71-1594, 71-1598, 71-15,101, 71-15,102, 71-15,103, and 71-15,104, Reissue Revised Statutes of Nebraska; to add, change, and eliminate provisions relating to commissioners; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 400.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-395, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to a refund of fees and taxes; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 401.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to metabolic screening; to amend section 71-519, Reissue Revised Statutes of Nebraska; to change provisions relating to infant screening as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 402.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to the Nebraska Regulation of Health Professions Act; to amend section 71-6227, Reissue Revised Statutes of Nebraska, and sections 71-6201, 71-6202, 71-6221, 71-6223, 71-6223.02, and 71-6224, Revised Statutes Cumulative Supplement, 2016; to state intent; to change membership and powers and duties of technical committees; to change provisions relating to review of scope of practice; to require rules and regulations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 403.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Abstracters Act; to amend sections 76-537, 76-539, 76-542, and 76-543, Reissue Revised Statutes of Nebraska, and sections 76-545 and 76-547, Revised Statutes Cumulative Supplement, 2016; to define a term; to change registration application, examination, and fee requirements as prescribed; to provide for a duplicate certificate of authority; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 404.** Introduced by Groene, 42; Brewer, 43.

A BILL FOR AN ACT relating to railroads; to require a train crew of at least two individuals as prescribed; to provide fines; and to provide duties for the Public Service Commission.

**LEGISLATIVE BILL 405.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to the DNA Identification Information Act; to amend sections 29-4101, 29-4103, 29-4106, 29-4106.01, 29-4108, and 29-4109, Reissue Revised Statutes of Nebraska; to redefine a term; to provide for the effect of mistakes in obtaining DNA samples, DNA records, or thumb or fingerprints on the validity of detentions, arrests, adjudications, and convictions; to provide civil and criminal immunity to law enforcement agencies for mistakes in submitting DNA records or samples; to provide for the collecting of additional DNA samples; to change provisions relating to confidentiality of DNA samples and records; to prohibit the use of DNA samples or records for research as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 406.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to automobile liability policies; to amend

sections 44-516, 44-522, and 44-523, Reissue Revised Statutes of Nebraska; to change provisions relating to notice of cancellation, nonrenewal, or nonpayment of a premium; and to repeal the original sections.

**LEGISLATIVE BILL 407.** Introduced by Pansing Brooks, 28; Baker, 30; Brewer, 43; Crawford, 45; Kolterman, 24; Lindstrom, 18; McDonnell, 5; Wishart, 27.

A BILL FOR AN ACT relating to public health; to create and provide duties for a task force; and to provide for termination.

**LEGISLATIVE BILL 408.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Revised Statutes Cumulative Supplement, 2016; to provide for an evidence-based drug formulary as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 409.** Introduced by Groene, 42; Erdman, 47; Linehan, 39.

A BILL FOR AN ACT relating to school finance; to amend section 79-1015.01, Reissue Revised Statutes of Nebraska, and section 77-3446, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the Tax Equity and Educational Opportunities Support Act; to change the base limitation; to change the local effort rate; to eliminate obsolete provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 410.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 32-509, 66-1830, 75-101, 75-104, 75-104.01, 75-105, and 75-106, Reissue Revised Statutes of Nebraska, and sections 75-101.01 and 75-128, Revised Statutes Cumulative Supplement, 2016; to change the boundaries and number of public service commissioner districts by the adoption of maps by reference; to provide for the appointment and election of new commissioners as prescribed; to change a provision relating to qualifications; to eliminate an obsolete provision; to change commissioner compensation as prescribed; to provide a duty for commissioners; to change provisions relating to appointment and employment of employees; to provide duties for the executive director; to provide for decisions by a majority vote of all members; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 411.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-285, 43-2,106.01, and 43-1311.02, Reissue Revised Statutes of

Nebraska; to change provisions relating to joint-sibling placement; to provide duties for the Department of Health and Human Services; to change provisions relating to appeals; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 412.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to state funds; to amend section 72-1260, Reissue Revised Statutes of Nebraska; to state findings; to define terms; to provide duties and responsibilities relating to investment in energy-related companies or funds; to require a report; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 413.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 24-708, 24-710.15, and 81-2025, Reissue Revised Statutes of Nebraska, and section 81-2014, Revised Statutes Cumulative Supplement, 2016; to redefine a term; to change a retirement application timeframe for judges and Nebraska State Patrol officers as prescribed; to change provisions relating to supplemental lump-sum cost-of-living adjustments under the Judges Retirement Act; and to repeal the original sections.

**LEGISLATIVE BILL 414.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 24-702, 24-703, 25-2804, 33-103, 33-103.01, 33-106, 33-106.02, 33-123, 33-124, 33-125, 33-126.02, 33-126.03, and 33-126.06, Reissue Revised Statutes of Nebraska; to provide for an employer contribution as prescribed under the Judges Retirement Act; to change the amount and distribution of court fees relating to the Nebraska Retirement Fund for Judges as prescribed; to provide a state contribution to the Nebraska Judges Retirement System; to provide for the remittance of court fees to the General Fund; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 415.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2320, 79-805, 79-901, 79-921, 79-933, 79-951, 79-955, 79-958, 81-2031.05, 84-1301, and 84-1322, Reissue Revised Statutes of Nebraska, and sections 23-2301, 79-902, 79-904.01, 79-931, 79-934, 79-978, 79-978.01, 79-992, 79-9,100.01, 79-9,105, and 81-2014, Revised Statutes Cumulative Supplement, 2016; to provide and change notification requirements as prescribed; to define and redefine terms; to provide and change duties and benefits for retirement system members who are employed after retirement as prescribed; to change annuity and disability benefit provisions under the Class V School Employees Retirement Act; to provide duties for school districts and the Public Employees Retirement Board; to eliminate obsolete

provisions; to harmonize provisions; to repeal the original sections; to outright repeal section 79-923, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 416.** Introduced by Vargas, 7; Halloran, 33; McDonnell, 5; Quick, 35; Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to amend section 48-621, Revised Statutes Cumulative Supplement, 2016; to appropriate funds to the Department of Labor; to harmonize provisions; to delete obsolete provisions; and to repeal the original section.

**LEGISLATIVE BILL 417.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 13-308, 28-372, 28-712, 28-712.01, 38-101, 38-123, 43-296, 43-4331, 68-949, 71-6038, 71-6039.06, 71-6603, 81-2210, 81-2273, 81-2274, 81-2275, 81-2279, 81-2281, 81-2283, 83-1212.01, and 83-1213, Reissue Revised Statutes of Nebraska, and sections 68-908, 68-909, 71-806, 71-810, 71-1904, 71-3405, and 71-6039, Revised Statutes Cumulative Supplement, 2016; to eliminate references to nursing assistants; to provide for nurse aides in certain health care facilities as prescribed; to change and eliminate provisions relating to alternative responses under the Child Protection and Family Safety Act; to change provisions relating to providing notice to credential holders under the Uniform Credentialing Act; to change and eliminate reporting requirements under the Medical Assistance Act; to rename the Nebraska Senior Companion Volunteer Program Act; to change the purpose of the act; to eliminate the Nebraska Senior Companion Volunteer Program; to change and eliminate benefits for and restrictions on senior volunteers; to change and eliminate provisions relating to application for and use of grant funds and funding by municipal corporations; to provide for a quality assurance plan relating to services for persons with developmental disabilities; to eliminate quality review teams; to eliminate certain reporting requirements and provisions relating to regional center occupancy rates and data systems; to provide for standards for peer services for behavioral health services; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 81-2233, 81-2276, 81-2277, 81-2278, and 81-2280, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 418.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to transportation; to amend sections 60-119.01, 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,147.02, 60-501, 60-628.01, 75-363, 75-364, 75-366, 75-369.03, 75-392, and 75-393, Revised Statutes Cumulative Supplement, 2016; to adopt and update references to certain federal provisions relating to low-speed vehicles, motor vehicle and trailer registration, handicapped or disabled parking permits, the International Registration Plan, operators'

licenses, persons handling source documents, hazardous materials, motor carrier and hazardous material regulations and their enforcement, and the unified carrier registration plan and agreement; to increase fines for violations of motor carrier statutes and regulations; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 419.** Introduced by McCollister, 20; Brewer, 43; Lowe, 37; Smith, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend section 80-414, Reissue Revised Statutes of Nebraska, and sections 60-3,122.03 and 60-3,122.04, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to Military Honor Plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 420.** Introduced by McCollister, 20; Blood, 3; Chambers, 11; Crawford, 45; Ebke, 32; Howard, 9; Krist, 10; Morfeld, 46; Pansing Brooks, 28; Wishart, 27.

A BILL FOR AN ACT relating to labor; to amend section 48-202, Revised Statutes Cumulative Supplement, 2016; to adopt the Fair Chance Hiring Act; to prohibit public and private employers and employment agencies from asking for criminal history as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 421.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1413, Revised Statutes Cumulative Supplement, 2016; to redefine committee; and to repeal the original section.

**LEGISLATIVE BILL 422.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-115, Reissue Revised Statutes of Nebraska; to redefine registered voter; and to repeal the original section.

**LEGISLATIVE BILL 423.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to counties; to amend section 23-122, Reissue Revised Statutes of Nebraska; to change provisions relating to counties; and to repeal the original section.

**LEGISLATIVE BILL 424.** Introduced by Ebke, 32; Craighead, 6; Hilkemann, 4; McCollister, 20.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend sections 29-2204.02, 29-2262, 29-3803, 29-3804, 29-4014, 47-123, 81-1850, 83-1,108, 83-1,109, 83-1,110, 83-1,118, 83-1,123,



83-1,125, 83-4,111, 83-4,122, and 83-4,123, Reissue Revised Statutes of Nebraska, sections 83-170, 83-1,107, and 83-1,122, Revised Statutes Cumulative Supplement, 2016, and section 29-2204, Revised Statutes Cumulative Supplement, 2014, as amended by Laws 2015, LB605, section 60; to provide for earned time; to discontinue the use of good time as prescribed; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 425.** Introduced by Crawford, 45; Watermeier, 1.

A BILL FOR AN ACT relating to the Nurse Practitioner Practice Act; to amend sections 38-2305, 38-2314.01, 38-2317, and 38-2322, Reissue Revised Statutes of Nebraska; to redefine a term; to change and eliminate certain licensure requirements as prescribed; to permit practice without an integrated practice agreement for certain nurse practitioners; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 426.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to government; to amend sections 1-110, 2-1201, 2-1803, 2-2306, 2-3619, 2-3751, 2-4008, 2-4208, 2-4901, 2-5003, 2-5302, 3-104, 7-205, 21-2307, 23-1215, 24-1003, 24-1103, 24-1203, 25-2907, 29-2252, 29-2259, 29-3925, 30-4108, 37-105, 37-106, 39-2106, 39-2304, 43-1302, 43-1903, 43-2411, 43-3342.05, 43-4001, 43-4202, 45-603, 46-538, 48-1116, 48-2503, 49-233, 50-415, 51-402, 53-112, 53-113, 53-302, 54-191, 57-904, 58-228, 60-4,118.02, 66-1335, 68-948, 68-953, 68-1105, 70-719, 71-222, 71-702, 71-808, 71-1799, 71-2605, 71-4723, 71-4728.05, 71-5657, 71-6227, 71-6303, 71-6321, 71-7012, 71-8236, 71-8251, 71-8604, 71-8803, 72-224.03, 72-2103, 75-104, 77-5206, 79-317, 79-527.01, 79-546, 79-740, 79-760.07, 79-808, 79-861, 79-863, 79-1104.04, 79-1217, 79-1816, 80-318, 80-401.02, 80-401.08, 81-175, 81-502.02, 81-829.53, 81-829.54, 81-8,189, 81-8,267, 81-8,309, 81-1108.32, 81-1120.18, 81-1174, 81-1180, 81-11,104, 81-1348, 81-1409, 81-1421, 81-1430, 81-1449, 81-1503, 81-1505.03, 81-15,171, 81-15,175, 81-15,211, 81-15,245, 81-1805, 81-2105, 81-2506, 81-3521, 82-310, 83-4,124, 83-1212.01, 83-1213, 84-931, 84-1204, 84-1502, 85-104, 85-301, 85-1408, 85-1509, 86-461, 86-515, 86-570, and 86-571, Reissue Revised Statutes of Nebraska, and sections 2-3951.01, 9-1004, 49-14,120, 50-505, 53-502, 55-604, 58-819, 70-1003, 71-219.03, 71-3406, 72-201, 72-1239, 72-2007, 76-2222, 77-5004, 79-760.03, 79-2204, 81-1603, and 84-1501, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to reimbursement for expenses as prescribed; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-1181, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 427.** Introduced by Vargas, 7; Ebke, 32; Walz, 15; Wayne, 13.

A BILL FOR AN ACT relating to civil rights; to amend section 20-170,

Reissue Revised Statutes of Nebraska; to change provisions relating to the right to breast-feed as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 428.** Introduced by Vargas, 7; Ebke, 32; Walz, 15; Wayne, 13.

A BILL FOR AN ACT relating to schools; to state findings; to provide duties for school districts and the State Department of Education relating to policies for pregnant and parenting students; and to provide for training.

**LEGISLATIVE BILL 429.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to power generation; to define a term; and to provide for virtual net metering.

**LEGISLATIVE BILL 430.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Radiation Control Act; to amend section 71-3505, Reissue Revised Statutes of Nebraska; to change powers and duties of the Department of Health and Human Services relative to radiation as prescribed; and to repeal the original section.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 13.** Introduced by Kuehn, 38.

WHEREAS, Tysen McDowell, a member of Troop 199 from Minden, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to achieve the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills; and

WHEREAS, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout; and

WHEREAS, to achieve the rank of Eagle Scout, it is also necessary to complete a community service project approved by the troop and the scout council; and

WHEREAS, for his Eagle Scout Service Project, Tysen engineered the construction of a storage building at Augie Nelson Field to store equipment and materials; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Tysen, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Tysen McDowell on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Tysen McDowell.

Laid over.

**LEGISLATIVE RESOLUTION 14.** Introduced by Kuehn, 38.

WHEREAS, Andrew Hultquist (Drew), a member of Troop 199 from Minden, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to achieve the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills; and

WHEREAS, to achieve the rank of Eagle Scout, it is also necessary to complete a community service project approved by the troop and the scout council; and

WHEREAS, for his Eagle Scout Service Project, Drew engineered and built an improved poultry and small animal exhibit area on the Kearney County Fairgrounds; and

WHEREAS, Drew coordinated the project with the Kearney County Agricultural Society and organized help from family and friends; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Drew, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Andrew Hultquist on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Andrew Hultquist.

Laid over.

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services

Room 1510

Friday, January 20, 2017 1:30 p.m.

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

(Signed) Merv Riepe, Chairperson

Business and Labor

Room 2102

Monday, January 23, 2017 1:30 p.m.

LB203  
LB181  
LB248  
LB212

(Signed) Joni Albrecht, Chairperson

Executive Board

Room 2102

Friday, January 20, 2017 12:00 p.m.

LB6  
LB207

(Signed) Dan Watermeier, Chairperson

**MOTION(S) - Print in Journal**

Senator Wayne filed the following motion to LR1CA:  
MO10  
Indefinitely postpone pursuant to Rule 6, Section 3(f).

Senator Chambers filed the following motion to LB271:  
MO7  
Rerefer to the Judiciary Committee.

Senator Chambers filed the following motion to LB276:  
MO8  
Rerefer to the Judiciary Committee.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Watermeier name added to LB222.  
Senator McCollister name added to LB36.  
Senator Blood name added to LB289.  
Senator Chambers name added to LB259.

**VISITOR(S)**

The Doctor of the Day was Dr. Doug Dunning from Omaha.

**MOTION - Recess**

Senator Chambers moved to recess until 2:00 p.m.

The motion failed.

**ADJOURNMENT**

At 1:11 p.m., on a motion by Senator Crawford, the Legislature adjourned until 10:00 a.m., Tuesday, January 17, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**NINTH DAY - JANUARY 17, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
 Tuesday, January 17, 2017

**PRAYER**

The prayer was offered by Senator Pansing Brooks.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Howard and Wayne who were excused; and Senators Kuehn, Scheer, and Smith who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB298	Health and Human Services
LB299	Government, Military and Veterans Affairs
LB300	Judiciary
LB301	Business and Labor
LB302	Appropriations
LB303	Appropriations
LB304	Urban Affairs
LB305	Business and Labor
LB306	Banking, Commerce and Insurance
LB307	Judiciary
LB308	Education
LB309	Government, Military and Veterans Affairs
LB310	Transportation and Telecommunications
LB311	Health and Human Services
LB312	Revenue

LB313 Revenue  
LB314 Government, Military and Veterans Affairs  
LB315 Urban Affairs  
LB316 Government, Military and Veterans Affairs  
LB317 Urban Affairs  
LB318 Government, Military and Veterans Affairs  
LB319 Business and Labor  
LB320 Government, Military and Veterans Affairs  
LB321 Judiciary  
LB322 Revenue  
LB323 Health and Human Services  
LB324 Banking, Commerce and Insurance  
LB325 Revenue  
LB326 Revenue  
LB327 Appropriations  
LB328 Appropriations  
LB329 Appropriations  
LB330 Appropriations  
LB331 Appropriations  
LB332 Appropriations  
LB333 Health and Human Services  
LB334 Health and Human Services  
LB335 Health and Human Services  
LB336 Health and Human Services  
LB337 Revenue  
LB338 Revenue  
LB339 Transportation and Telecommunications  
LB340 Government, Military and Veterans Affairs  
LB341 Banking, Commerce and Insurance  
LB342 Health and Human Services  
LB343 Health and Human Services  
LB344 Health and Human Services  
LB345 Banking, Commerce and Insurance  
LB346 Transportation and Telecommunications  
LB347 Transportation and Telecommunications  
LB348 Agriculture  
LB349 Judiciary  
LB350 Judiciary  
LB351 Transportation and Telecommunications  
LB352 Natural Resources  
LB353 Judiciary  
LB354 Business and Labor  
LB355 Transportation and Telecommunications  
LB356 Appropriations  
LB357 Transportation and Telecommunications  
LB358 Health and Human Services  
LB359 Judiciary  
LB360 Health and Human Services  
LB361 Revenue



LB362 Revenue  
LB363 Business and Labor  
LB364 Government, Military and Veterans Affairs  
LB365 Government, Military and Veterans Affairs  
LB366 Judiciary  
LB367 Judiciary  
LB368 Transportation and Telecommunications  
LB369 Government, Military and Veterans Affairs  
LB370 Judiciary  
LB371 Judiciary  
LB372 Business and Labor  
LB373 Revenue  
LB374 Revenue  
LB375 Banking, Commerce and Insurance  
LB376 Executive Board  
LB377 Education  
LB378 Appropriations  
LB379 Appropriations  
LB380 Revenue  
LB381 Judiciary  
LB382 Government, Military and Veterans Affairs  
LB383 Urban Affairs  
LB384 Banking, Commerce and Insurance  
LB385 Revenue  
LB386 Banking, Commerce and Insurance  
LB387 Revenue  
LB388 Government, Military and Veterans Affairs  
LB389 Transportation and Telecommunications  
LB390 Natural Resources  
LB391 Health and Human Services  
LB392 Natural Resources  
LB393 General Affairs  
LB394 Judiciary  
LB395 Judiciary  
LB396 Education  
LB397 Judiciary  
LB398 Education  
LB399 Urban Affairs  
LB400 Revenue  
LB401 Health and Human Services  
LB402 Health and Human Services  
LB403 Banking, Commerce and Insurance  
LB404 Transportation and Telecommunications  
LB405 Judiciary  
LB406 Banking, Commerce and Insurance  
LB407 Executive Board  
LB408 Business and Labor  
LB409 Education  
LB410 Transportation and Telecommunications

LB411 Judiciary  
LB412 Nebraska Retirement Systems  
LB413 Nebraska Retirement Systems  
LB414 Nebraska Retirement Systems  
LB415 Nebraska Retirement Systems  
LB416 Appropriations  
LB417 Health and Human Services  
LB418 Transportation and Telecommunications  
LB419 Transportation and Telecommunications  
LB420 Business and Labor  
LB421 Government, Military and Veterans Affairs  
LB422 Government, Military and Veterans Affairs  
LB423 Government, Military and Veterans Affairs  
LB424 Judiciary  
LB425 Health and Human Services  
LB426 Government, Military and Veterans Affairs  
LB427 Education  
LB428 Education  
LB429 Natural Resources  
LB430 Health and Human Services

(Signed) Dan Watermeier, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARING(S)**

Banking, Commerce and Insurance

Room 1507

Tuesday, January 24, 2017 1:30 p.m.

LB17  
LB35  
LB138  
LB142

(Signed) Brett Lindstrom, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 2, 5, and 7 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 2, 5, and 7.

**ANNOUNCEMENT**

The Chair announced the birthday of Senator McDonnell.

**MOTION(S) - Rerefer LB59**

Senator Chambers offered his motion, MO4, found on page 130, to rerefer LB59 to the Judiciary Committee, pursuant to Rule 6, Section 2(a).

Pending.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 431.** Introduced by Erdman, 47; Groene, 42; Halloran, 33; Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 13-504, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to cash reserves; to provide operative dates; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 432.** Introduced by Erdman, 47; Groene, 42; Halloran, 33; Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 13-508, Revised Statutes Cumulative Supplement, 2016; to eliminate provisions relating to the amount of tax required to fund the adopted budget; to provide operative dates; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 433.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to state agencies; to require a criminal history record information check for employees who have direct access to federal tax information as prescribed.

**LEGISLATIVE BILL 434.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to juveniles; to amend section 43-278, Reissue Revised Statutes of Nebraska; to change provisions relating to videoconferencing for certain hearings as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 435.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to probation; to amend section 28-912, Reissue Revised Statutes of Nebraska; to change penalty provisions relating

to escape; and to repeal the original section.

**LEGISLATIVE BILL 436.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to labor; to amend sections 48-106, 48-220, 48-234, 48-236, 48-237, 48-902, 48-1002, 48-1202, 48-1902, and 48-2208, Reissue Revised Statutes of Nebraska, and sections 48-603, 48-1102, 48-1220, 48-1229, 48-2302, and 48-3502, Revised Statutes Cumulative Supplement, 2016; to change the definition of employer to exclude certain franchisors for purposes of various labor statutes; to define and redefine terms; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 437.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to the Taxpayer Transparency Act; to amend sections 84-602.03 and 84-602.04, Revised Statutes Cumulative Supplement, 2016; to define a term; to change provisions relating to the provision and publication of certain information; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 438.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to health program funding; to amend section 77-4008, Reissue Revised Statutes of Nebraska, and sections 71-801, 71-7611, and 77-2602, Revised Statutes Cumulative Supplement, 2016; to increase the cigarette and tobacco taxes as prescribed and provide for the distribution of funds; to create a fund and provide for its use; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 439.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to assisted-living facilities; to amend sections 71-406, 71-5803.05, 71-5902, 71-5903, 71-5904, and 71-5906, Reissue Revised Statutes of Nebraska, and sections 71-5905, 71-6725, and 71-9402, Revised Statutes Cumulative Supplement, 2016; to define and redefine terms; to change provisions relating to licensure of assisted-living facilities; to change requirements for and services provided to applicants for admission to and residents of assisted-living facilities; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 440.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to offenses against animals; to amend section 28-101, Reissue Revised Statutes of Nebraska; to provide immunity from criminal or civil liability for removal of an animal from a motor vehicle by forcible entry as prescribed; to provide a duty for the Revisor of Statutes; and to repeal the original section.

**LEGISLATIVE BILL 441.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-915, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to eligibility; and to repeal the original section.

**LEGISLATIVE BILL 442.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2016; to create the Medical Assistance Managed Care Organization Oversight Committee; to provide powers and duties; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 443.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2716, 77-2717, 77-2734.03, and 77-3806, Revised Statutes Cumulative Supplement, 2016; to adopt the Student Loan Repayment Tax Credit Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 444.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to political subdivisions; to prohibit cities and counties from canceling health insurance coverage for injured law enforcement officers as prescribed.

**LEGISLATIVE BILL 445.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Legislature; to amend section 49-1401, Reissue Revised Statutes of Nebraska; to prohibit the provision of meals and beverages by lobbyists as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 446.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 24-1106, 25-1140.09, 28-104, 28-202, 28-303, 29-1602, 29-1822, 29-2004, 29-2005, 29-2006, 29-2020, 29-2027, 29-2407, 29-2801, 29-3205, 29-3920, 29-3928, 29-3929, and 29-3930, Reissue Revised Statutes of Nebraska, 2008, sections 23-3406, 23-3408, 28-105, 55-480, 83-1,110.02, and 83-4,143, Reissue Revised Statutes of Nebraska, sections 28-1356, 29-1603, and 29-3922, Revised Statutes Cumulative Supplement, 2014, section 29-2261, Revised Statutes Cumulative Supplement, 2014, as amended by Laws 2015, LB504, section 1, section 28-201, Revised Statutes Cumulative Supplement, 2014, as amended by Laws 2015, LB605, section 8, and section 29-2204, Revised Statutes Cumulative Supplement, 2014, as amended by Laws 2015, LB605, section 60; to eliminate the death penalty; to change and eliminate provisions relating to murder in the first degree,

presentence reports, indeterminate sentences, the Commission on Public Advocacy, and the authority of courts and the Department of Correctional Services; to state intent; to eliminate a homicide-case report, provisions on capital punishment, proportionality review provisions, and obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-1105, 29-2519, 29-2521, 29-2521.01, 29-2521.03, 29-2521.04, 29-2521.05, 29-2523, 29-2524.01, 29-2524.02, 29-2525, 29-2527, 29-2528, and 29-2811, Reissue Revised Statutes of Nebraska, 2008, sections 83-1,132, 83-964, 83-965, 83-966, 83-967, 83-968, 83-969, 83-970, 83-971, and 83-972, Reissue Revised Statutes of Nebraska, and sections 28-105.01, 29-2520, 29-2521.02, 29-2522, 29-2524, 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, and 29-2546, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 447.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-105, Reissue Revised Statutes of Nebraska; to eliminate certain mandatory minimum penalties; and to repeal the original section.

**LEGISLATIVE BILL 448.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-452, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to the hunting of mountain lions; to repeal the original section; and to outright repeal section 37-473, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 449.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to prairie dogs; to amend section 81-2,236, Reissue Revised Statutes of Nebraska; to repeal the Black-Tailed Prairie Dog Management Act; to harmonize provisions; to repeal the original section; and to outright repeal sections 23-3801, 23-3802, 23-3803, 23-3804, 23-3805, 23-3806, 23-3807, 23-3808, 23-3809, and 23-3810, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 450.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Patient Choice at End of Life Act; to provide penalties; and to provide severability.

**LEGISLATIVE BILL 451.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to elections; to amend sections 32-208, 32-404, 32-566, 32-573, 32-601, 32-802, 32-939.02, and 32-947, Reissue Revised Statutes of Nebraska, and section 49-1494, Revised Statutes Cumulative Supplement, 2016; to eliminate a restriction on an election commissioner becoming a candidate for elective office; to change provisions

relating to deadlines for certifications, notifications, and published notice; to change provisions relating to filling certain vacancies; to provide a voter's oath for nonresidents and change provisions relating to ballot envelope instructions; to change provisions relating to the filing of a statement of financial interests by a candidate for elective office; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 452.** Introduced by Lindstrom, 18; Smith, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716.01, Reissue Revised Statutes of Nebraska, and sections 77-382, 77-2701.16, 77-2715.01, 77-2715.03, and 77-2734.02, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to a tax expenditure report; to impose sales and use taxes on certain services; to provide duties for the Tax Rate Review Committee; to change income tax rates and personal exemption amounts; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2704.07, 77-2704.14, and 77-2704.38, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 453.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to income tax adjustments for social security benefits; and to repeal the original section.

**LEGISLATIVE BILL 454.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Credit Union Act; to amend section 21-1770, Reissue Revised Statutes of Nebraska; to change provisions relating to loan officer licenses; and to repeal the original section.

**LEGISLATIVE BILL 455.** Introduced by Quick, 35.

A BILL FOR AN ACT relating to the State Electrical Board; to amend section 81-2104, Reissue Revised Statutes of Nebraska; to change references to a governing code; and to repeal the original section.

**LEGISLATIVE BILL 456.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to children; to state findings and intent; to define terms; to provide for supportive services for disabled parents or disabled prospective parents with respect to adoption, custody, visitation, foster care, child welfare, and family law as prescribed.

**LEGISLATIVE BILL 457.** Introduced by Briese, 41; Erdman, 47; Groene, 42; Linehan, 39.

A BILL FOR AN ACT relating to school finance; to amend sections 77-3442, 79-1003, and 79-1028.01, Revised Statutes Cumulative Supplement, 2016; to change exceptions to levy limitations and budget limitations for new voluntary termination agreements; to redefine a term; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 458.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to the County Purchasing Act; to amend section 23-3104, Reissue Revised Statutes of Nebraska; to provide an exemption for purchases by or on behalf of a county coroner; and to repeal the original section.

**LEGISLATIVE BILL 459.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend section 76-2319, Reissue Revised Statutes of Nebraska; to change provisions relating to the rules and regulations and board of directors governing the statewide one-call notification center; to provide for the establishment of best practices; and to repeal the original section.

**LEGISLATIVE BILL 460.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-303.01, 75-303.02, and 75-303.03, Reissue Revised Statutes of Nebraska, and sections 75-128, 75-306, 75-309, and 75-311, Revised Statutes Cumulative Supplement, 2016; to change provisions regulating the transportation of clients of the Department of Health and Human Services and other authorized agencies as prescribed; to change provisions relating to the issuance of permits by the Public Service Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 461.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to correct references to a federal act; and to repeal the original section.

**LEGISLATIVE BILL 462.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2712.03, Revised Statutes Cumulative Supplement, 2016; to correct provisions relating to the streamlined sales and use tax agreement; and to repeal the original section.



**LEGISLATIVE BILL 463.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to cemeteries; to amend section 12-401, Reissue Revised Statutes of Nebraska; to change a provision relating to who may be appointed to certain cemetery boards; and to repeal the original section.

**LEGISLATIVE BILL 464.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-901.01, Reissue Revised Statutes of Nebraska, and sections 84-907 and 84-907.06, Revised Statutes Cumulative Supplement, 2016; to provide and change requirements and duties relating to adoption and promulgation of rules and regulations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 465.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Department of Education.

**LEGISLATIVE BILL 466.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to nurse-midwives; to amend sections 28-401, 38-101, 38-205, 38-206, 38-208, 38-209, 38-601, 38-602, 38-603, 38-604, 38-606, 38-607, 38-609, 38-610, 38-611, 38-612, 38-613, 38-615, 38-616, 38-617, 38-618, 38-2838, 38-2850, and 71-1405, Reissue Revised Statutes of Nebraska, and sections 68-911, 71-503.02, 71-2048.01, 71-2445, and 71-2473, Revised Statutes Cumulative Supplement, 2016; to eliminate requirements for integrated practice agreements; to provide, change, and eliminate definitions; to provide for transition-to-practice agreements; to change and eliminate provisions relating to credentialing and regulation; to harmonize provisions; to repeal the original sections; and to outright repeal section 38-614, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 467.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1116, 77-2905, 77-2906, and 77-5723, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the New Markets Job Growth Investment Act, the Nebraska Job Creation and Mainstreet Revitalization Act, and the Nebraska Advantage Act; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 468.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.09, Reissue Revised Statutes of Nebraska, and sections 77-202, 77-1238, 77-1239, 77-2715.03, 77-27,132, and 77-4212, Revised Statutes

Cumulative Supplement, 2016; to change provisions relating to certain property tax exemptions, inflation adjustments to income tax brackets, the tax treatment of certain extraordinary dividends and capital gains, the distribution of sales and use taxes, and property tax credits; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 469.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to gambling; to amend sections 28-1101, 28-1105, and 28-1113, Reissue Revised Statutes of Nebraska; to adopt the Fantasy Contests Act; to redefine terms; to provide a gambling exception for conducting or participating in fantasy contests; to change a provision relating to the possession of gambling records; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 470.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to gambling; to amend sections 9-607 and 9-646.01, Reissue Revised Statutes of Nebraska, and section 9-601, Revised Statutes Cumulative Supplement, 2016; to redefine a term; to change the manner of play of keno as prescribed; to change provisions relating to keno tickets; to require reasonable measures by lottery operators using electronic tickets; to provide for authorization of methods of payment for participation in gaming activities under the Nebraska County and City Lottery Act as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 471.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,179.01, Revised Statutes Cumulative Supplement, 2016; to provide for the enforcement of the prohibition against using a handheld wireless communication device as a primary action; and to repeal the original section.

**LEGISLATIVE BILL 472.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to highways; to amend section 39-220, Reissue Revised Statutes of Nebraska; to change provisions relating to permits for advertisements along the Highway Beautification Control System; to eliminate a fee; to change provisions relating to the Department of Roads' authority to make rules and regulations concerning signs along highways; and to repeal the original section.

**LEGISLATIVE BILL 473.** Introduced by Walz, 15; Hansen, 26; Morfeld, 46.

A BILL FOR AN ACT relating to labor; to require rest periods for employees as prescribed; and to provide a penalty.

**LEGISLATIVE BILL 474.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to insurance; to require coverage for filling prescriptions to synchronize the patient's medications.

**LEGISLATIVE BILL 475.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2912, Revised Statutes Cumulative Supplement, 2016; to change the application deadline under the Nebraska Job Creation and Mainstreet Revitalization Act; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 476.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the Nebraska Nonprofit Corporation Act; to amend section 21-19,163, Reissue Revised Statutes of Nebraska; to change provisions relating to domestication of foreign corporations and the effect on original incorporation dates; and to repeal the original section.

**LEGISLATIVE BILL 477.** Introduced by McCollister, 20; Groene, 42.

A BILL FOR AN ACT relating to weights and measures; to amend section 89-197, Revised Statutes Cumulative Supplement, 2016; to prohibit certain unlawful acts as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 478.** Introduced by Groene, 42; Lowe, 37.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1206, Reissue Revised Statutes of Nebraska; to provide for possession of archery equipment and knives for recreational purposes as prescribed; to define terms; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 479.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend sections 13-503 and 13-506, Revised Statutes Cumulative Supplement, 2016; to redefine a term; to change provisions relating to public hearings on proposed budget statements; and to repeal the original sections.

**LEGISLATIVE BILL 480.** Introduced by McCollister, 20; Lindstrom, 18.

A BILL FOR AN ACT relating to insurance; to provide requirements relating to health benefit plans and coverage of insureds in jail custody.

**LEGISLATIVE BILL 481.** Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to the Pharmacy Practice Act; to amend sections 38-2801, 28-2802, 38-28,109, 38-28,110, 38-28,111, 38-28,112,

38-28,113, and 38-28,116, Reissue Revised Statutes of Nebraska; to provide, change, and transfer definitions; to restate intent and change provisions relating to drug product selection; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 482.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to public lettings and contracts; to adopt the Government Neutrality in Contracting Act.

**LEGISLATIVE BILL 483.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-110, Reissue Revised Statutes of Nebraska; to provide an exemption for rules of procedure as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 484.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to schools; to create and provide duties for the School Financing Review Commission; to state intent relating to appropriations; and to declare an emergency.

#### **MOTION(S) - Rerefer LB59**

Senator Chambers renewed his motion, MO4, found on page 130 and considered in this day's Journal, to rerefer LB59 to the Judiciary Committee, pursuant to Rule 6, Section 2(a).

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

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

Voting in the affirmative, 11:

Blood	Ebke	Krist	Vargas
Bolz	Hansen	Morfeld	Wishart
Chambers	Kolowski	Pansing Brooks	

Voting in the negative, 23:

Albrecht	Craighead	Halloran	Larson	Riepe
Bostelman	Erdman	Hilgers	Linehan	Scheer
Brasch	Friesen	Hughes	Lowe	Smith
Brewer	Geist	Kolterman	McDonnell	
Briese	Groene	Kuehn	Murante	

Present and not voting, 8:

Baker	Harr	Quick	Walz
Crawford	McCollister	Schumacher	Williams

Excused and not voting, 7:

Hilkemann	Kintner	Stinner	Wayne
Howard	Lindstrom	Watermeier	

The Chambers motion to rerefer the bill failed with 11 ayes, 23 nays, 8 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 485.** Introduced by Pansing Brooks, 28; Albrecht, 17; Brewer, 43; Ebke, 32; Linehan, 39; McCollister, 20; Morfeld, 46; Schumacher, 22.

A BILL FOR AN ACT relating to state holidays; to amend sections 25-2221 and 62-301, Reissue Revised Statutes of Nebraska; to establish Chief Standing Bear and Indigenous Leaders' Day; to eliminate a state holiday; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 486.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3902 and 44-3905, Reissue Revised Statutes of Nebraska, and section 44-3904, Revised Statutes Cumulative Supplement, 2016; to define terms; to change continuing education requirements; to provide powers and duties; to establish a fee; and to repeal the original sections.

**LEGISLATIVE BILL 487.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend sections 28-101, 28-401.01, 28-416, 28-441, and 28-470, Reissue Revised Statutes of Nebraska; to provide an exception from criminal liability for certain violations relating to or committed by persons experiencing or witnessing a controlled substance overdose; to provide protection from civil liability for emergency responders and peace officers administering naloxone as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 488.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to water; to adopt the Water Conservation Grant Act.

**LEGISLATIVE BILL 489.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2103, Revised Statutes Cumulative Supplement, 2016; to redefine redevelopment project; and to repeal the original section.

**LEGISLATIVE BILL 490.** Introduced by Walz, 15; Bostelman, 23; Crawford, 45; Ebke, 32; Groene, 42; Kolowski, 31; Kolterman, 24; Linehan, 39; Morfeld, 46.

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-1412, Revised Statutes Cumulative Supplement, 2016; to adopt the College Choice Grant Program Act; to provide duties for the Coordinating Commission for Postsecondary Education; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 491.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-1009.01, Reissue Revised Statutes of Nebraska; to define terms; to provide for the offense of fraudulent misrepresentation of a service animal; to provide penalties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 492.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to self-service storage facilities; to adopt the Self-Service Storage Facilities Act; and to authorize certain liens as prescribed.

**LEGISLATIVE BILL 493.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to maintain the Network of Care.

**LEGISLATIVE BILL 494.** Introduced by Briese, 41.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2016; to provide for withholding certain public records; and to repeal the original section.

**MOTION(S) - Print in Journal**

Senator Chambers filed the following motion to LB353:

MO11

Rerefer to the Government, Military and Veterans Affairs Committee.

**NOTICE OF COMMITTEE HEARING(S)**

Urban Affairs

Room 1510

Tuesday, January 24, 2017 1:30 p.m.

LB317  
LB315  
LB159  
LB130

(Signed) Matt Hansen, Vice Chairperson

Judiciary

Room 1113

Wednesday, January 25, 2017 1:30 p.m.

LB146  
LB167  
LB293  
LB350

Thursday, January 26, 2017 1:30 p.m.

LB158  
LB180  
LB269  
LB296

(Signed) Laura Ebke, Chairperson

Education

Room 1525

Tuesday, January 24, 2017 1:30 p.m.

LB124  
LB123  
LB396

(Signed) Mike Groene, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Krist name added to LB118.

Senator Quick name added to LB174.

Senator Brasch name added to LB68.

Senator McCollister name added to LB289.

Senator Stinner name added to LB307.

Senator McCollister name added to LB280.

Senator Kolterman name added to LB222.

**VISITOR(S)**

Visitors to the Chamber were Kamryn Sannizks from the University of Nebraska, Lincoln, and Braxtin Ceballos from Campbell Elementary School.

The Doctor of the Day was Dr. Susan Evans from Omaha.

**ADJOURNMENT**

At 12:09 p.m., on a motion by Senator McCollister, the Legislature adjourned until 9:00 a.m., Wednesday, January 18, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**TENTH DAY - JANUARY 18, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**TENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 18, 2017

**PRAYER**

The prayer was offered by Captain Mil Yi, Command Chaplain, U.S. Strategic Command, Offutt Air Force Base.

**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 Senator Howard who was excused; and Senators Blood, Groene, and Larson who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the ninth day was approved.

**PROPOSED RULES CHANGES**

The Rules Committee offered the following proposed rules changes:

**Proposed Rule Change 1**

**Amend Rule 5, Sec. 5**

**Sec. 5. Scheduling of Bills, Priority Bills.** (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate as priority bills two of the bills referenced to that committee and on which the committee has held a public hearing, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(c) The Legislative Performance Audit Committee may designate as priority bills two bills resulting from a performance audit or involving the performance audit process, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(d) The State-Tribal Relations Committee may designate one bill consistent with the committee's jurisdiction as a priority bill but the principal introducer must concur with the designation as a priority bill, and with the withdrawal of the designation once made.

(e) The Legislature's Planning Committee as established in Neb. Rev. Stat. Section 50-1402 and authorized to introduce bills by Neb. Rev. Stat. Section 50-1403(5) may designate one bill resulting from or related to the Planning Committee's deliberations but, if not introduced by the Planning Committee, the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

~~(e)~~ (f) The Speaker may designate up to 25 additional priority bills.

~~(f)~~ (g) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety-day session and prior to the 30th legislative day in the sixty-day session.

~~(g)~~ (h) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

~~(h)~~ (i) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

~~(i)~~ (j) All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with no dissenting votes on a consent calendar.

~~(j)~~ (k) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except as provided for in Rule 1, Section 17. Priority bills requiring the expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.

(\*) (1) No priority bill designated under this rule shall have priority over appropriations bills.

## Proposed Rule Change 2

### Amend Rule 5, Sec. 7

**Sec. 7. Fiscal Analyst.** (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill, to prepare the fiscal note within five calendar days.

(c) The Legislative Fiscal Analyst shall review the fiscal note so prepared and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk at least ~~twenty-four~~ <sup>seventy-two</sup><sup>1</sup> 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.

<sup>1</sup>To begin January 1, 2018

(e) When amendments to a bill are adopted by the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note each time the bill is advanced to Enrollment and Review or upon the written request of a member of the Legislature.

(f) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation to implement in the ensuing fiscal year, an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairperson of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading.

(g) The authorization bill shall first be considered and if it should be passed on Final Reading then the "A" bill shall be read and voted on for final passage.

(h) The fiscal note shall be factual in nature, as brief and concise as may be, and shall, if possible, provide a reliable estimate in dollars and, in addition, it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range effect of the measure. If, after investigation, it is determined that no dollar estimate is possible, the fiscal note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

(i) No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared, however, technical or mechanical defects may be noted.

(j) The subject matter of bills submitted to boards, commissions, departments, agencies, or other entities of the state by the Fiscal Analyst shall be kept in strict confidence by said agencies and by the office of Fiscal Analyst together with the content of the fiscal note itself and no information relating thereto shall be divulged by any official or employee prior to its introduction in the Legislature.

(k) To implement the provisions of and assure compliance with Art. III, Sec. 22 of the Nebraska Constitution (deficiency appropriations), and Art. IV, Sec. 7 of the Nebraska Constitution (appropriations in excess of Governor's request), the Appropriations Committee shall advise the Legislature of the number of votes required to assure passage of the same.

**Proposed Rule Change 3****Amend Rule 5, Sec. 7, insert new language after (k)****Sec. 7. Fiscal Analyst.**

(l) Each member may request the Legislative Fiscal Analyst to prepare a statement to be known as an interim fiscal note. The interim fiscal note shall estimate the fiscal impact of any bill request prepared by the Bill Drafter during the same interim in which the interim fiscal note is requested. A request for interim fiscal note shall be made no later than the first business day of each November, and a member may request no more than one interim fiscal note. Each standing committee will also receive one interim fiscal note as determined by the chair.

(m) The interim fiscal note shall be identified only by a number which corresponds to the bill request. In determining the fiscal impact of any bill request, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill request, to prepare the fiscal note within fourteen calendar days.

(n) The Legislative Fiscal Analyst shall review the interim fiscal note so prepared and shall also request a review of such interim fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the interim fiscal note. The Legislative Fiscal Analyst shall include in the interim fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

(o) The interim fiscal note shall be delivered by the Legislative Fiscal Analyst directly to the requesting member no later than twenty-one days after the initial request is filed with the Legislative Fiscal Analyst. If extenuating circumstances prevent the Legislative Fiscal Analyst from meeting this deadline, he or she shall present to the requesting member an unofficial summary of all available fiscal information on the bill request by this deadline and deliver to the requesting member the interim fiscal note when it is available.

(p) The Legislative Fiscal Analyst may issue procedural guidelines to expedite the process of preparing interim fiscal notes.

**Proposed Rule Change 4****Add new Rule 11**

**Section 1:** The purpose of this rule is to provide guidance for use of the Legislature's technology equipment and state secure network and to protect the integrity and security of the state secure network and legislative information.

All use of Legislative equipment or the state secure network shall be subject to this rule and applicable State and Federal Laws.

**Section 2:** This rule applies to all authorized users of the Legislature's technology equipment or the state secure network.

Only senators and legislative employees, paid or unpaid, are authorized users of the legislature's technology equipment and state secure network.

All senators will be required to take a technology training course and sign a statement acknowledging: He or she has taken the training course, received a copy of the Legislature's Technology Policy, and understands it. This action must be taken prior to being issued login credentials and/or issued state equipment.

**Section 3:** Effective January 1, 2017, all login passwords will expire annually, or as directed by Legislative Technology, at which time senators will be required to create a new one. If a password is shared, the owner of the password may be subject to disciplinary proceedings in the event of its misuse.

**Section 4:** A public official shall not use or authorize the use of personnel, resources, property, or funds under his or her official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items, other than compensation provided by law, for personal financial gain.

**Section 5:** This rule incorporates the *Acceptable Use Policy* adopted by the Nebraska Information Technology Commission.

(1). Examples of uses that are **not** acceptable include, but are not limited to, the following:

- Use of the Internet for illegal activities, such as gambling;
- Access of sites with adult content, such as pornography, or dating services;
- Posting information on personal, commercial or campaign-related social media sites or websites;
- Use of state resources for personal gain, including buying or selling products or services;
- Copyright infringements, such as downloading unauthorized music, movies, or software; or
- Use of state resources for personal entertainment.

In addition to the above, authorized legislative users shall:

- Respect the privacy of other users and intellectual property or data;

- Not intentionally seek information, obtain copies, modify files or data, or use passwords belonging to other users without authorization from the appropriate party;
- Respect the legal protection provided by copyright and licensing laws to software and data;
- Protect the integrity of the Legislature's technology equipment and state secure network and not intentionally develop or propagate programs that harass other users or infiltrate a computer or technology system;
- Not knowingly allow unauthorized access to the Legislature's technology equipment or the state secure network;
- Not damage or alter software or other components of legislative technology equipment or the state secure network; or
- Not install unauthorized software or hardware peripherals, even though they may be related to legislative business.

(2). It is the responsibility of each senator, division director, Executive Board chairperson, and ultimately the Legislature, to make sure that the Legislature's technology equipment and state secure network are being used consistent with state or federal law and the Legislature's rules. Therefore, a senator, division director or Executive Board chairperson, may request, in writing, that the Clerk of the Legislature provide access to electronic work files, messages, and resource usage by an employee under his or her supervision. There is no right to privacy as it relates to the use of legislative technology.

**Section 6:** The capitol public network is available for use by senators for non-legislative use. It should be understood that neither access, privacy, nor security is guaranteed on the capitol public network.

**Section 7:** When a senator resigns or otherwise leaves the Legislature, he or she will receive written notification of his or her options relating to technology files. The senator may designate that files, including shared files, be deleted, turned over to the new senator, or archived. In the event the form is not returned, the files will be deleted by the Legislative Technology Center's staff.

When the Legislature elects new committee chairpersons, committee work files will not be deleted, except for any files that are identified by the previous committee chairperson or legal counsel as protected by attorney client privilege, or as confidential legislative correspondence or memoranda.

**Section 8:** (1). Suspected violations of this rule should be reported to the senator or division director who should report the suspected violations and the corrective action taken to the Executive Board. Suspected violations may also be reported directly to the Executive Board.

(2). If there is reason to believe that a violation has occurred that could adversely affect the Legislature's technology equipment or state secure

network safety, the senator or division director shall immediately notify the Clerk of the Legislature who shall take appropriate action to protect the state's secure network and/or equipment. Any situation that is not satisfactorily resolved may be reported to the Executive Board. The Executive Board reserves the right to examine technology equipment and usage archives if a senator or division director does not take action. If a violation involves a member of the Legislature, the Executive Board may only examine relevant information relating to the alleged violation.

(3). If a violation of this rule or of state law is discovered, the Executive Board will take appropriate action, including temporarily suspending, blocking, or restricting access to the Legislature's technology equipment and the state secure network.

(4). If a violation involves illegal activity, the Executive Board shall notify the appropriate authorities.

**Section 9:** No rule can specify every scenario that might come about, especially in the ever changing area of technology. Therefore, the Legislature reserves the right to determine, at its discretion, whether conduct is reasonable and appropriate under the circumstances.

#### **COMMITTEE REPORT(S)**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 56.** Placed on General File.

(Signed) Brett Lindstrom, Chairperson

#### **NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Room 1113

Friday, January 27, 2017 2:00 p.m.

LB162  
LB199  
LB349

(Signed) Laura Ebke, Chairperson



Revenue

Room 1524

Wednesday, January 25, 2017 1:30 p.m.

LB233  
LB234  
LB161

(Signed) Jim Smith, Chairperson

**MOTION(S) - Print in Journal**

Senator Lowe filed the following motion to LB370:

MO12

Withdraw bill.

**EXECUTIVE BOARD REPORT**

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

Building Maintenance

Senator Bostelman  
Senator Erdman (Chairperson)  
Senator Hughes  
Senator Lowe  
Senator McDonnell  
Senator Stinner

Committee on Justice Reinvestment Oversight

Senator Bolz  
Senator Halloran  
Senator Krist  
Senator Pansing Brooks  
Senator Ebke (Chairperson)

Education Commission of the States

Senator Groene  
Senator Larson  
Senator Morfeld

Homeland Security Policy Group

Senator Lowe  
Senator McDonnell

Interstate Compact for Adult Offender Supervision

Senator Wishart

Legislative Performance Audit

Senator Briese  
Senator Geist  
Senator Kuehn  
Senator Linehan  
Senator Scheer  
Senator Stinner  
Senator Watermeier

Legislature's Planning

Senator Craighead  
Senator Hansen  
Senator Riepe  
Senator Scheer  
Senator Schumacher  
Senator Stinner  
Senator Vargas  
Senator Watermeier  
Senator Williams

Midwestern Higher Education Compact Commission (Midwest Compact)

Senator Sue Crawford  
Senator Rick Kolowski

Midwest Interstate Passenger Rail Compact

Senator Quick  
Senator Walz

Nebraska Information Technology Commission

Senator Bostelman

State Council for Interstate Juvenile Supervision

Senator Blood

State-Tribal Relations

Senator Albrecht  
Senator Baker  
Senator Brasch  
Senator Brewer (Chairperson)  
Senator Lindstrom (Vice Chairperson)  
Senator Quick  
Senator Vargas

Streamlined Sales and Use Tax System

Senator Harr  
Senator Smith

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

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 495.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to developmental disabilities; to amend section 83-1216, Reissue Revised Statutes of Nebraska, and sections 71-1101, 71-1107, and 71-1108.01, Revised Statutes Cumulative Supplement, 2016; to define and redefine terms and eliminate definitions; to change and eliminate provisions relating to legislative intent; to harmonize provisions; to repeal the original sections; to outright repeal section 71-1113, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 496.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2103, Revised Statutes Cumulative Supplement, 2016; to define and redefine terms; and to repeal the original section.

**LEGISLATIVE BILL 497.** Introduced by Brewer, 43; Linehan, 39.

A BILL FOR AN ACT relating to veterans; to amend sections 48-227, 48-238, and 71-1382.01, Revised Statutes Cumulative Supplement, 2016; to change references to a federal form relating to veterans; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 498.** Introduced by Brewer, 43; Geist, 25; Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3509.01, 77-3509.02, 77-3514, and 77-3516, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to transfer of homestead exemptions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 499.** Introduced by Brewer, 43; Linehan, 39.

A BILL FOR AN ACT relating to the Nebraska Apiary Act; to amend section 81-2,165.01, Reissue Revised Statutes of Nebraska; to provide for voluntary registration of Nebraska apiaries and bee hives as prescribed; to provide duties for the Department of Agriculture; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 500.** Introduced by Brewer, 43; Linehan, 39.

A BILL FOR AN ACT relating to firearms; to amend sections 15-255, 17-556, 18-1703, 28-1202, 37-708, 37-712, 60-6,342, and 69-2445, Reissue

Revised Statutes of Nebraska, and sections 14-102 and 16-227, Revised Statutes Cumulative Supplement, 2016; to authorize the carrying of concealed handguns by qualified active and retired law enforcement officers as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 501.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2441, Reissue Revised Statutes of Nebraska, and section 69-2443, Revised Statutes Cumulative Supplement, 2016; to change a provision relating to the prohibition on locations where a permit holder may carry a concealed handgun; to change a penalty; and to repeal the original sections.

**LEGISLATIVE BILL 502.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to firearms; to amend sections 15-255, 17-556, 18-1703, 28-1202, 28-1204.04, and 69-2428, Reissue Revised Statutes of Nebraska, and sections 14-102, 16-227, 69-2402, 71-904.01, and 71-963, Revised Statutes Cumulative Supplement, 2016; to adopt the Permitless Concealed Carry Act; to prohibit the regulation of concealed handguns by cities and villages as prescribed; to change provisions relating to unlawful carrying of a concealed weapon; to change provisions relating to unlawful possession of a firearm at a school; to change provisions relating to petitions for removal of a person's firearm-related disabilities; to provide penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 503.** Introduced by Brewer, 43; Linehan, 39.

A BILL FOR AN ACT relating to public employers; to prohibit certain provisions in collective-bargaining agreements; and to prohibit certain deductions from wages.

**LEGISLATIVE BILL 504.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to wind energy; to amend sections 66-901 and 66-902, Revised Statutes Cumulative Supplement, 2016; to change and provide legislative findings; to provide for a moratorium on industrial development of wind energy projects as prescribed; to provide for a special task force and a report to the Legislature; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 505.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to refugees; to adopt the Refugee Resettlement Notification Act; and to declare an emergency.

**LEGISLATIVE BILL 506.** Introduced by Albrecht, 17; Blood, 3; Brasch, 16; Lowe, 37.

A BILL FOR AN ACT relating to health and human services; to adopt the Compassion and Care for Medically Challenging Pregnancies Act.

**LEGISLATIVE BILL 507.** Introduced by Albrecht, 17; Brasch, 16.

A BILL FOR AN ACT relating to labor; to amend sections 81-401 and 81-406, Revised Statutes Cumulative Supplement, 2016; to eliminate the Farm Labor Contractors Act and obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 48-1701, 48-1702, 48-1703, 48-1704, 48-1705, 48-1708, 48-1709, 48-1710, 48-1711, 48-1712, 48-1713, and 48-1714, Reissue Revised Statutes of Nebraska, and section 48-1706, Revised Statutes Cumulative Supplement, 2016.

**LEGISLATIVE BILL 508.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to county civil service systems; to amend sections 23-2503 and 23-2518, Revised Statutes Cumulative Supplement, 2016; to change the population threshold for the applicability of certain county civil service systems; and to repeal the original sections.

#### **MOTION(S) - Rerefer LB271**

Senator Chambers offered his motion, MO7, found on page 220, to rerefer LB271 to the Judiciary Committee.

Pending.

#### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 509.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to subpoenas; to amend sections 25-1223, 25-1224, 25-1226, 25-1228, 29-1901, and 29-1903, Reissue Revised Statutes of Nebraska; to change provisions relating to the issuance of subpoenas; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 510.** Introduced by Ebke, 32; Geist, 25; Groene, 42; Hilgers, 21.

A BILL FOR AN ACT relating to cities, counties, and other political subdivisions; to provide a restriction on installment contracts for the purchase of real or personal property.

**LEGISLATIVE BILL 511.** Introduced by Education Committee: Groene, 42, Chairperson; Ebke, 32; Erdman, 47; Kolowski, 31; Linehan, 39; Morfeld, 46; Pansing Brooks, 28; Walz, 15.

A BILL FOR AN ACT relating to education; to amend sections 43-1311, 79-1125.01, and 79-1142, Reissue Revised Statutes of Nebraska, and section 79-215, Revised Statutes Cumulative Supplement, 2016; to provide duties for school districts, the State Department of Education, and the Department of Health and Human Services; to provide for the payment of the cost of education and required transportation; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 512.** Introduced by Education Committee: Groene, 42, Chairperson; Ebke, 32; Erdman, 47; Kolowski, 31; Linehan, 39; Morfeld, 46; Pansing Brooks, 28; Walz, 15.

A BILL FOR AN ACT relating to education; to amend sections 79-319, 79-575, 79-746, 79-1065, 79-1108.02, 79-1144, 79-1218, 79-1221, 79-1225, 85-308, 85-917, 85-933, and 85-949, Reissue Revised Statutes of Nebraska, and sections 9-812, 79-237, 79-2,144, 79-1003, 79-1007.11, 79-1017.01, and 79-1054, Revised Statutes Cumulative Supplement, 2016; to fund provisions related to the Nebraska Education Improvement Fund; to change option enrollment; to change a deadline for the state school security director; to transfer duties and eliminate the State Board of Vocational Education; to change reorganization provisions for low-enrollment school districts; to change provisions for school board secretaries and treasurers; to eliminate the best practices allowance and best practices aid; to provide for repayment of federal funds; to repeal the Council on Student Attendance; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; to outright repeal sections 79-321, 79-527.01, 79-738, 79-739, 79-740, 79-741, 79-742, 79-743, and 79-744, Reissue Revised Statutes of Nebraska, and section 79-1004, Revised Statutes Cumulative Supplement, 2016; and to declare an emergency.

**LEGISLATIVE BILL 513.** Introduced by Hilkemann, 4; Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to provide for a base rate increase for hospital services provided under a medicaid prospective payment system.

**LEGISLATIVE BILL 514.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to state intent to appropriate funds for a Justice Reinvestment Initiative Coordinator.

**LEGISLATIVE BILL 515.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to education; to amend sections 85-1539 and 85-1540, Reissue Revised Statutes of Nebraska; to create the Nebraska

Integrated Education and Training Grant Program; to state findings; to define terms; to authorize grants; to require policy recommendations; to require reporting; to state intent to provide an appropriation; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 516.** Introduced by Pansing Brooks, 28; Baker, 30; Krist, 10.

A BILL FOR AN ACT relating to juvenile facilities; to amend section 83-4,134.01, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to reports; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 517.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to property; to amend sections 30-2333, 30-2353, 30-2715, 30-2715.01, 30-2723, 30-2742, and 30-3854, Reissue Revised Statutes of Nebraska, and section 76-3415, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to transfer of property upon death; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 518.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to economic development; to adopt the Rural Workforce Housing Investment Act; and to provide for a transfer of funds from the Affordable Housing Trust Fund.

**LEGISLATIVE BILL 519.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-652, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to employer experience accounts and reimbursement accounts; and to repeal the original section.

**LEGISLATIVE BILL 520.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to firearms; to amend sections 69-2404, 69-2405, 69-2410, 69-2411, 69-2412, 69-2414, 69-2421, 69-2422, 69-2424, 69-2425, 69-2429, and 69-2430, Reissue Revised Statutes of Nebraska, and sections 69-2402, 69-2409, 69-2409.01, 69-2427, 69-2436, and 69-2439, Revised Statutes Cumulative Supplement, 2016; to define terms; to require notification when a person prohibited by state or federal law attempts to purchase, lease, rent, or receive transfer of a handgun or apply for a permit to carry a concealed handgun under the Concealed Handgun Permit Act; to require reports; to eliminate an obsolete provision; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 521.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1003, 79-1007.11, and 79-1017.01, Revised Statutes Cumulative Supplement, 2016; to change provisions related to early childhood education aid; to provide a new allowance; to provide aid; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 522.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-324, Reissue Revised Statutes of Nebraska; to eliminate terminated provisions relating to fund transfers; and to repeal the original section.

**LEGISLATIVE BILL 523.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-580, Reissue Revised Statutes of Nebraska; to change provisions relating to financial assistance from the Nebraska Internet Enhancement Fund; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 524.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to supplement financial assistance from the Nebraska Internet Enhancement Fund.

**LEGISLATIVE BILL 525.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to education; to amend section 79-8,129, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Cumulative Supplement, 2016; to change funding provisions related to the Nebraska Education Improvement Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 526.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-701, 25-1558, and 25-1577, Reissue Revised Statutes of Nebraska; to change provisions relating to debtor's rights, garnishment, attachment, and other debt collection procedures; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 527.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1225, Reissue Revised Statutes of Nebraska; to provide for the subpoena of records in certain cases; and to repeal the original section.



**LEGISLATIVE BILL 528.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 58-210.02, Reissue Revised Statutes of Nebraska, and sections 77-1108, 77-1109, and 77-1116, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the New Markets Job Growth Investment Act; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 529.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to abortion; to amend section 71-6903, Revised Statutes Cumulative Supplement, 2016; to authorize county courts sitting as probate courts in cases of guardianship to authorize abortions as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 530.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-420, Reissue Revised Statutes of Nebraska; to change requirements related to information provided to the Legislative Fiscal Analyst; to provide for withholding appropriations for noncompliance; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 531.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2703, Revised Statutes Cumulative Supplement, 2016; to change sales tax collection fees for motor vehicles as prescribed; and to repeal the original section.

**MOTION(S) - Rerefer LB271**

Senator Chambers renewed his motion, MO7, found on page 220 and considered in this day's Journal, to rerefer LB271 to the Judiciary Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a record vote on the motion to rerefer the bill.

Voting in the affirmative, 11:

Baker	Kolowski	Pansing Brooks	Vargas
Chambers	Krist	Quick	Wayne
Hilkemann	McDonnell	Schumacher	

Voting in the negative, 22:

Albrecht	Craighead	Halloran	Kuehn	Riepe
Bostelman	Erdman	Hilgers	Lindstrom	Scheer
Brasch	Friesen	Hughes	Linehan	
Brewer	Geist	Kintner	Lowe	
Briese	Groene	Kolterman	Murante	

Present and not voting, 10:

Bolz	Ebke	Harr	Stinner	Williams
Crawford	Hansen	McCollister	Walz	Wishart

Excused and not voting, 6:

Blood	Larson	Smith
Howard	Morfeld	Watermeier

The Chambers motion to rerefer the bill failed with 11 ayes, 22 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 532.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2323.01, 24-710.04, 79-926, 81-2034, and 84-1325, Reissue Revised Statutes of Nebraska; to change provisions relating to a military service credit for certain retirement plans as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 533.** Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Nebraska Oil and Gas Conservation Commission; to amend section 57-906, Reissue Revised Statutes of Nebraska, and section 57-905, Revised Statutes Cumulative Supplement, 2016; to change powers and duties; to require liability insurance for certain permit applicants and restrict permit issuance as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 534.** Introduced by Vargas, 7; Bolz, 29.

A BILL FOR AN ACT relating to behavioral health; to provide for a housing coordinator; to provide powers and duties; to provide for funding for programs and services; and to state intent relating to appropriations.

**LEGISLATIVE BILL 535.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to real property conveyances; to amend section 76-214, Revised Statutes Cumulative Supplement, 2016; to change a provision relating to a requirement to file a statement regarding the conveyance of real estate; and to repeal the original section.

**LEGISLATIVE BILL 536.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3224, Reissue Revised Statutes of Nebraska; to clarify disbursement provisions; and to repeal the original section.

**LEGISLATIVE BILL 537.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend sections 68-1723 and 68-1724, Reissue Revised Statutes of Nebraska, and section 68-1708, Revised Statutes Cumulative Supplement, 2016; to provide for drug-screening of applicants for and recipients of cash assistance benefits; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 538.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for Legal Education for Public Service and Rural Practice Loan Repayment Assistance aid; and to declare an emergency.

**LEGISLATIVE BILL 539.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Office of Inspector General of the Nebraska Correctional System Act; to amend section 47-905, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to investigations and reports; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 540.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003, 79-1005.01, 79-1007.11, and 79-1009, Revised Statutes Cumulative Supplement, 2016; to redefine and provide for a temporary aid adjustment factor; to change the calculation of formula need, allocated income tax funds, and net option funding; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 541.** Introduced by Quick, 35; Friesen, 34.

A BILL FOR AN ACT relating to the Nebraska Lottery and Raffle Act; to amend sections 9-402, 9-422, 9-426, 9-427, and 9-429, Reissue Revised Statutes of Nebraska; to change restrictions on gross proceeds for conducting lotteries and raffles; to change provisions relating to special permits; to change the gross-proceed percentage for the awarding of prizes in a raffle; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 542.** Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to medicaid; to amend sections 30-2483, 30-3880, 30-3881, 30-3882, 33-109, and 44-371, Reissue Revised Statutes of Nebraska, and sections 68-901, 68-907, 68-919, and 77-2018.02, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to decedents' estates, recording fees, and the inheritance tax; to provide for liens and recovery of debt incurred under the Medical Assistance Act; to authorize medical providers to apply for medical assistance on behalf of certain individuals; to harmonize provisions; to provide severability; and to repeal the original sections.

**MOTION(S) - Rerefer LB276**

Senator Chambers offered his motion, MO8, found on page 220, to rerefer LB276 to the Judiciary Committee.

Pending.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 543.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5701, 77-5702, and 77-5723, Revised Statutes Cumulative Supplement, 2016; to define a term for purposes of certain evaluations; to change provisions relating to applications; to provide reporting requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 544.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to clerks of the district court; to amend sections 22-417, 24-507, 32-524, and 32-567, Reissue Revised Statutes of Nebraska; to provide for an agreement relating to duties in a county without an elected clerk of the district court; to provide for elimination of the office of clerk of the district court by a vote of the county board; to change duties of clerk magistrates; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 545.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to the Property Tax Credit Cash Fund; to provide for fund transfers; and to state legislative intent.

**LEGISLATIVE BILL 546.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5706, 77-5708, 77-5710, 77-5714, 77-5717, 77-5719.01, and 77-5724, Reissue Revised Statutes of Nebraska, and sections 77-27,144, 77-5701, 77-5703, 77-5715, 77-5723, 77-5725, 77-5726, 77-5727, 77-5728, 77-5731, and 77-5734, Revised Statutes Cumulative Supplement, 2016; to change the Nebraska Advantage Act as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 547.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to power districts and corporations; to amend section 70-667, Reissue Revised Statutes of Nebraska, and sections 70-670 and 70-1014.02, Revised Statutes Cumulative Supplement, 2016; to state findings; to change provisions relating to the exercise of eminent domain; to change provisions relating to privately developed generation facilities as prescribed; to provide an exemption from review by the Nebraska Power Review Board; to remove a restriction on private electric suppliers; and to repeal the original sections.

**LEGISLATIVE BILL 548.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to retirement; to amend section 79-933, Reissue Revised Statutes of Nebraska, and sections 79-916, 79-934, 79-966, 79-978.01, 79-979, and 79-1028.01, Revised Statutes Cumulative Supplement, 2016; to provide for the consolidation of the Class V school employees' retirement system and the School Employees Retirement System of the State of Nebraska; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 549.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.21, Reissue Revised Statutes of Nebraska; to eliminate a requirement that a broker trust account be a non-interest-bearing-account; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 550.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool Act; to amend section 44-4227, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to an independent actuary; and to repeal the original section.

**LEGISLATIVE BILL 551.** Introduced by Walz, 15; Craighead, 6.

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend sections 76-2228.01, 76-2230, 76-2231.01, and 76-2232, Revised Statutes Cumulative Supplement, 2016; to change qualifications for certain real property appraiser credentials; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 552.** Introduced by Walz, 15; Bolz, 29; Hansen, 26.

A BILL FOR AN ACT relating to public health and welfare; to state intent; to provide for a Children's Connection program; to provide duties for the Division of Behavioral Health of the Department of Health and Human Services and the behavioral health regions; and to state intent relating to appropriations.

**LEGISLATIVE BILL 553.** Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Revised Statutes Cumulative Supplement, 2016; to provide for the filing of a nonelection of coverage as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 554.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to education; to provide for a financial transparency web site for schools, school districts, and educational service units; and to provide duties.

**LEGISLATIVE BILL 555.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission Act; to amend sections 77-5004 and 77-5013, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to reimbursements and filing fees; to eliminate provisions relating to determining appeals and giving notice to certain parties; to repeal the original sections; and to outright repeal section 77-5015.01, Revised Statutes Cumulative Supplement, 2016.

**LEGISLATIVE BILL 556.** Introduced by Halloran, 33.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101, 28-1201, 28-1204.04, 28-1205, 28-1206, 28-1212.04, 28-1351, and 28-1354, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to unlawful possession of a firearm at a school; to provide for and increase penalties; to create the offense of use of a facsimile firearm or nonfunctioning firearm to commit a felony; to create the offense of possession of a firearm by a prohibited juvenile offender and provide a process to reinstate the right to possess a firearm by such an offender; to

change provisions relating to discharge of a firearm in certain cities and counties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 557.** Introduced by Harr, 8; Williams, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 66-1344, 77-1229, and 81-125, Reissue Revised Statutes of Nebraska, and sections 18-2119, 18-2710.03, 49-801.01, 77-202, 77-2711, 77-27,119, 77-27,144, 77-5725, 77-5905, and 84-602.03, Revised Statutes Cumulative Supplement, 2016; to adopt the Great Opportunities Nebraska Act; to stop accepting applications under the Nebraska Advantage Act; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 558.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1201, Reissue Revised Statutes of Nebraska; to define the term knife; and to repeal the original section.

**LEGISLATIVE BILL 559.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to electronic payment transactions; to prohibit the collection of interchange fees on specified taxes and fees; and to provide penalties.

**LEGISLATIVE BILL 560.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to correctional services; to amend section 83-4,111, Reissue Revised Statutes of Nebraska, and sections 83-170, 83-173.03, 83-4,114, and 83-4,114.01, Revised Statutes Cumulative Supplement, 2016; to redefine terms; to change provisions relating to restrictive housing, departmental rules and regulations, reports, and inmate discipline; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 561.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 39-2703, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2715.07, Revised Statutes Cumulative Supplement, 2016; to create the Taxpayer Investment Program; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 562.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to correctional services; to provide for a report.

**LEGISLATIVE BILL 563.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-382 and 77-2701.16, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to a tax expenditure report; to impose sales and use taxes on certain services; to eliminate certain sales and use tax exemptions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2704.07, 77-2704.14, and 77-2704.38, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 564.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Nebraska Main Street Fairness Act; and to declare an emergency.

**LEGISLATIVE BILL 565.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to tax incentive programs; to amend sections 77-4104, 77-4928, and 77-5534, Reissue Revised Statutes of Nebraska, and sections 77-2711, 77-27,119, 77-27,187.02, 77-5723, 77-6309, 84-602.01, and 84-602.03, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the disclosure and confidentiality of information on tax incentive programs; to change the Taxpayer Transparency Act to require the posting of information relating to tax incentive programs; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 566.** Introduced by Natural Resources Committee: Hughes, 44, Chairperson; Albrecht, 17; Bostelman, 23; Geist, 25; Kolowski, 31; McCollister, 20; Quick, 35; Walz, 15.

A BILL FOR AN ACT relating to wildlife; to adopt the Interstate Wildlife Violator Compact.

**LEGISLATIVE BILL 567.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to public assistance; to amend section 68-130, Revised Statutes Cumulative Supplement, 2016; to change funding for county offices; to provide an operative date; to repeal the original section; and to outright repeal section 81-1139.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 568.** Introduced by Erdman, 47; Halloran, 33.

A BILL FOR AN ACT relating to teachers; to amend sections 79-808 and 79-814.01, Reissue Revised Statutes of Nebraska; to change provisions related to temporary teaching certificates; to harmonize provisions; and to repeal the original sections.



**LEGISLATIVE BILL 569.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to community colleges; to amend sections 85-1515 and 85-1517, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2016; to establish the Community College Task Force; to change provisions for community colleges to levy property taxes; to provide termination dates; and to repeal the original sections.

**LEGISLATIVE BILL 570.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Cumulative Supplement, 2016; to exempt all tangible personal property from property tax; and to repeal the original section.

**LEGISLATIVE BILL 571.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003 and 79-1005.01, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to allocated income tax funds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 572.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4209, Reissue Revised Statutes of Nebraska, and sections 77-5725 and 79-1001, Revised Statutes Cumulative Supplement, 2016; to provide termination dates for the Property Tax Credit Act and the Tax Equity and Educational Opportunities Support Act; to change deadlines for applications under the Nebraska Advantage Act; and to repeal the original sections.

**MOTION(S) - Rerefer LB276**

Senator Chambers renewed his motion, MO8, found on page 220 and considered in this day's Journal, to rerefer LB276 to the Judiciary Committee.

Pending.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 573.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend sections 86-101, 86-103, 86-124, and 86-143,

Reissue Revised Statutes of Nebraska; to define a term; to provide for a nonregulated activity; to change provisions relating to local competition determinations and rate list filing requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 574.** Introduced by Kintner, 2; Brasch, 16; Ebke, 32; Hansen, 26; Pansing Brooks, 28.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1310, Reissue Revised Statutes of Nebraska; to change provisions relating to intimidation by telephone call; to provide for intimidation by electronic message; and to repeal the original section.

**LEGISLATIVE BILL 575.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to education; to provide for legislative findings; to define terms; to provide funding for schools implementing and offering programs as prescribed; and to state intent related to funding.

**LEGISLATIVE BILL 576.** Introduced by Brewer, 43.

A BILL FOR AN ACT relating to revenue and taxation; to limit increases in property tax bills as prescribed.

**LEGISLATIVE BILL 577.** Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101, 28-929.01, 28-1351, and 28-1354, Reissue Revised Statutes of Nebraska; to create the offense of assault on a peace officer, firefighter, or out-of-hospital emergency care provider by ambush; to create a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 578.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to medicaid; to define terms; to provide for supplemental reimbursement and intergovernmental transfers relating to providers of ground emergency medical transportation as prescribed.

**LEGISLATIVE BILL 579.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 18-1208, Reissue Revised Statutes of Nebraska, and section 14-109, Revised Statutes Cumulative Supplement, 2016; to provide for termination of occupation taxes subject to a vote of the people; to require a change in the rate of certain occupation taxes to be subject to a vote of the people; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 580.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Office of Violence Prevention; and to declare an emergency.

**LEGISLATIVE BILL 581.** Introduced by McDonnell, 5; Hilkemann, 4; Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1401 and 49-1402, Reissue Revised Statutes of Nebraska; to state legislative findings; to require certain disclosures; to provide certain rights; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 582.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to credit unions; to amend section 21-1743, Reissue Revised Statutes of Nebraska; to authorize membership in a credit union by geographic boundary; and to repeal the original section.

**LEGISLATIVE BILL 583.** Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to veterinarians; to amend sections 2-3985, 28-401, 28-417, 38-2841, 38-2850, 38-3312, 71-8909, 71-8911, and 71-8912, Reissue Revised Statutes of Nebraska, and sections 71-2454 and 71-2476, Revised Statutes Cumulative Supplement, 2016; to remove the authority of veterinarians to dispense controlled substances; to eliminate a task force; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-2454.01, Revised Statutes Cumulative Supplement, 2016.

**LEGISLATIVE BILL 584.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-1811, Reissue Revised Statutes of Nebraska; to change provisions relating to mowing of weeds as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 585.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to animals; to amend sections 28-1009, 28-1012.01, 28-1019, 54-617, 54-618, 54-620, 54-622, 54-622.01, 54-623, 54-623.01, and 54-624, Reissue Revised Statutes of Nebraska; to change a deadline for filing a hearing application regarding seized animals; to define and redefine terms; to change provisions relating to determination of a dangerous dog; to provide a requirement as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 586.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to prescription drug monitoring; to amend section 71-2454, Revised Statutes Cumulative Supplement, 2016; to define and redefine terms; to change requirements for the prescription drug monitoring system; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 587.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,124, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to school permits; and to repeal the original section.

**LEGISLATIVE BILL 588.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-1708, Reissue Revised Statutes of Nebraska; to exempt the practice of reflexology from licensure under the Massage Therapy Practice Act; and to repeal the original section.

**LEGISLATIVE BILL 589.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1917, Reissue Revised Statutes of Nebraska; to provide for depositions of a child victim or child witness; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 590.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Building Construction Act; to amend sections 71-6403, 71-6405, and 71-6406, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the state building code; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 591.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Contractor Registration Act; to amend sections 48-2102, 48-2103, 48-2105, 48-2110, 48-2111, 48-2112, 48-2113, 48-2114, and 81-1616, Reissue Revised Statutes of Nebraska; to define a term; to provide compliance requirements for registered contractors; to provide for enforcement of certain building and construction codes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 592.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5725 and 77-5726, Revised Statutes Cumulative Supplement, 2016; to change the tax incentives available under the Nebraska Advantage Act; to

harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 593.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-101, 28-111, 28-522, and 54-617, Reissue Revised Statutes of Nebraska; to create the offense of criminal trespass to vehicles; to provide a penalty and an affirmative defense; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 594.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Nebraska Uniform Limited Liability Company Act; to amend section 21-118, Reissue Revised Statutes of Nebraska; to require a limited liability company seeking a tax benefit to file an amended certificate of organization as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 595.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend section 79-254, Reissue Revised Statutes of Nebraska; to provide for use of physical force or physical restraint or removal from a class in response to student behavior; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 596.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Veterinary Medicine and Surgery Practice Act; to amend sections 38-3301, 38-3302, 38-3314, and 38-3321, Reissue Revised Statutes of Nebraska; to define equine massage therapy; to exempt equine massage therapy from licensure and regulation; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 597.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to tax-increment financing; to amend section 18-2147, Revised Statutes Cumulative Supplement, 2016; to require an application to the county assessor and Department of Revenue for use of tax-increment financing; to provide for procedures for such applications; to provide for rules and regulations; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 598.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Industrial Relations Act; to amend section 48-818, Revised Statutes Cumulative Supplement, 2016; to require consideration of certain factors by the Commission of Industrial Relations when establishing wage rates; and to repeal the original section.

**LEGISLATIVE BILL 599.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Cumulative Supplement, 2016; to redefine a term; to exempt certain improvements on land from personal property tax as prescribed; and to repeal the original section.

**MOTION(S) - Rerefer LB276**

Senator Chambers renewed his motion, MO8, found on page 220 and considered in this day's Journal, to rerefer LB276 to the Judiciary Committee.

Pending.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 600.** Introduced by Agriculture Committee: Brasch, 16, Chairperson; Albrecht, 17; Blood, 3; Halloran, 33; Harr, 8; Lowe, 37.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections 54-179, 54-189, 54-191, 54-192, 54-195, 54-198, 54-1,102, 54-1,105, 54-1,115, and 54-1,119, Reissue Revised Statutes of Nebraska, and sections 54-1,110 and 54-1,111, Revised Statutes Cumulative Supplement, 2016; to redefine terms; to change Nebraska Brand Committee membership and employee provisions; to eliminate obsolete provisions; to change provisions relating to promotional materials and brand recording; to provide for a filing fee as prescribed; to provide for the lease of a recorded brand; to eliminate a branding requirement for sheep; to provide and change brand inspection exceptions for certain cattle; to change provisions relating to livestock transportation permits; to eliminate provisions relating to registered dairies; to harmonize provisions; to repeal the original sections; and to outright repeal sections 54-1,122.01 and 54-1,122.02, Revised Statutes Cumulative Supplement, 2016.

**LEGISLATIVE BILL 601.** Introduced by Erdman, 47; Briese, 41; Halloran, 33; Hughes, 44; Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Revised Statutes Cumulative Supplement, 2016; to provide duties for the Department of Revenue; to define a term; to change the distribution of sales and use tax revenue; to provide a termination date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 602.** Introduced by Erdman, 47; Briese, 41; Halloran, 33; Lowe, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-112, 77-1343, 77-5023, and 79-1016, Reissue Revised Statutes of Nebraska, and sections 77-201, 77-1359, and 77-1371, Revised Statutes Cumulative Supplement, 2016; to state intent; to change and eliminate provisions relating to valuation of agricultural land and horticultural land; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 603.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to state government; to amend section 84-1603, Reissue Revised Statutes of Nebraska; to require a high-deductible health plan as an option under the group health insurance contract for state employees; and to repeal the original section.

**LEGISLATIVE BILL 604.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to insurance; to amend section 44-361, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Right to Shop Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 605.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1804, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the ICF/DD Reimbursement Protection Fund; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 606.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to health care services; to adopt the Volunteer Care Act.

**LEGISLATIVE BILL 607.** Introduced by Kintner, 2; McDonnell, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3506, Revised Statutes Cumulative Supplement, 2016; to provide a homestead exemption for certain first responders as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 608.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to education; to adopt the Parental Choice Scholarship Program Act.

**LEGISLATIVE BILL 609.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-125.02, Reissue Revised Statutes of Nebraska, and sections 48-120, 48-120.04, and 48-1,110, Revised Statutes Cumulative Supplement, 2016; to provide for an outpatient hospital fee schedule and ambulatory surgical center fee schedule as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 610.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to electricity; to amend section 81-15,173, Reissue Revised Statutes of Nebraska; to adopt the Community Solar Energy Economic Development Act; to change provisions relating to the powers and duties of the Nebraska Environmental Trust Board; and to repeal the original section.

**LEGISLATIVE BILL 611.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to government; to amend section 81-132, Revised Statutes Cumulative Supplement, 2016; to provide for a federal funding inventory from each state agency; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 612.** Introduced by Wayne, 13; McDonnell, 5; Vargas, 7.

A BILL FOR AN ACT relating to telecommunications; to amend section 75-109.01, Revised Statutes Cumulative Supplement, 2016; to require direct access to 911 emergency service from certain telephone systems that use Internet protocol-enabled services; to provide for Public Service Commission jurisdiction; and to repeal the original section.

**LEGISLATIVE BILL 613.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend section 71-1590, Reissue Revised Statutes of Nebraska; to change provisions relating to property tax exemptions; and to repeal the original section.

**LEGISLATIVE BILL 614.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2717, Reissue Revised Statutes of Nebraska; to eliminate a restriction relating to appropriations; to harmonize provisions; and to repeal the original section.



**LEGISLATIVE BILL 615.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Security, Privacy, and Dissemination of Criminal History Information Act; to amend section 29-3523, Reissue Revised Statutes of Nebraska; to provide for expungement of criminal history record information in cases of arrests based upon mistaken identity; and to repeal the original section.

**LEGISLATIVE BILL 616.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to economic development; to adopt the Startup Nebraska Program Act.

**LEGISLATIVE BILL 617.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to agricultural promotion; to amend section 28-401, Reissue Revised Statutes of Nebraska, and section 2-5701, Revised Statutes Cumulative Supplement, 2016; to adopt the Industrial Hemp Act; to provide an exemption as prescribed; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 618.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-331, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the use of the Transportation Network Company Regulation Cash Fund; and to repeal the original section.

**LEGISLATIVE BILL 619.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to elections; to amend section 32-960, Reissue Revised Statutes of Nebraska; to permit counties to conduct elections by mail; and to repeal the original section.

**LEGISLATIVE BILL 620.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development.

**LEGISLATIVE BILL 621.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Public Service Commission.

**LEGISLATIVE BILL 622.** Introduced by Wishart, 27; Craighead, 6; Ebke, 32; Hansen, 26; Kolowski, 31; Krist, 10; Morfeld, 46; Pansing Brooks, 28; Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to cannabis; to amend sections 28-416, 28-439, 77-2701.48, 77-2704.09, and 77-4303, Reissue Revised Statutes of Nebraska, and sections 77-27,132 and 77-27,237, Revised Statutes

Cumulative Supplement, 2016; to adopt the Medical Cannabis Act; to change provisions relating to controlled substances and taxation; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 623.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-115, 28-929, 28-929.01, 28-930, 28-931, 28-1351, and 28-1354, Reissue Revised Statutes of Nebraska; to change and eliminate provisions and penalties relating to assault on an officer, certain employees, or a health care professional; to define terms; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-931.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 624.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to county records; to provide for withholding the residential address of a law enforcement officer from the public; and to provide an operative date.

**LEGISLATIVE BILL 625.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Property Assessed Clean Energy Act; to amend sections 18-3201, 18-3202, 18-3203, 18-3204, 18-3205, 18-3206, 18-3207, 18-3208, 18-3209, 18-3210, and 18-3211, Revised Statutes Cumulative Supplement, 2016; to redefine terms; to change provisions relating to the creation of clean energy assessment districts, annual assessment collection, and reporting requirements; to eliminate a requirement relating to ongoing measurements for certain projects; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

#### **MOTION(S) - Rerefer LB276**

Senator Chambers renewed his motion, MO8, found on page 220 and considered in this day's Journal, to rerefer LB276 to the Judiciary Committee.

Pending.

#### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 626.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to energy; to adopt the Shared Community Solar Act.

**LEGISLATIVE BILL 627.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,287, Reissue Revised Statutes of Nebraska, and sections 60-601, 60-605, and 60-6,179.01, Revised Statutes Cumulative Supplement, 2016; to provide for the operation of autonomous motor vehicles as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 628.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to political subdivisions; to prohibit ordinances and resolutions prohibiting short-term rentals of residential property as prescribed.

**LEGISLATIVE BILL 629.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to commercial motor vehicles; to amend sections 60-462, 60-4,131, 60-4,131.01, and 60-4,132, Revised Statutes Cumulative Supplement, 2016; to exempt certain commercial driver's license holders from hazardous materials endorsement requirements as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 630.** Introduced by Larson, 40; Linehan, 39.

A BILL FOR AN ACT relating to schools; to amend sections 13-903, 79-1007.12, 79-1065, and 79-1065.02, Reissue Revised Statutes of Nebraska, and sections 48-801, 79-902, 79-978, 79-1001, and 79-1022, Revised Statutes Cumulative Supplement, 2016; to adopt the Independent Public Schools Act; to provide funding; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 631.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to gambling; to amend sections 9-329.02, 9-340, 9-340.02, 9-344, 9-345.03, 9-347, 9-347.01, 9-348, and 9-829, Reissue Revised Statutes of Nebraska; to provide for authorization of methods of payment for participation in certain gaming activities as prescribed; to change and eliminate restrictions on rental or purchase and registration of pickle card equipment, pickle card units, payment requirements, taxes, and limitations on definite profit and the use of gross proceeds for awarding prizes for pickle card lotteries; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 632.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to government regulation; to amend sections 59-1401, 59-1403, 59-1404, 59-1405, and 59-1406, Reissue Revised Statutes of Nebraska, and sections 53-101, 53-103, 53-123.01, 53-123.14, 53-123.15, 53-124.11, 53-134.01, 53-164.01, 53-186.01, 53-1,100, and

53-1,104, Revised Statutes Cumulative Supplement, 2016; to define bottle club; to require licensure of bottle clubs as prescribed; to require annual reports by third-party shippers as prescribed; to change provisions relating to manufacturers' licenses, craft brewery licenses, and special designated licenses as prescribed; to change requirements for the sale of beer by certain licensees; to change provisions relating to taxation of beer; to prohibit consumption of alcoholic liquor at bottle clubs as prescribed; to change penalty provisions of the Nebraska Liquor Control Act; to name the Music Licensing Agency Act; to define and redefine terms; to eliminate obsolete references; to provide duties; to require music licensing agencies to register with the Secretary of State; to change penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 633.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 77-3442, 79-1003, and 79-1028.01, Revised Statutes Cumulative Supplement, 2016; to authorize school districts to levy for school security measures and student technology as prescribed; to redefine a term; to authorize school districts to exceed budget limitations as prescribed; to authorize the creation of school funds; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 634.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to schools; to amend sections 79-528 and 79-1003, Revised Statutes Cumulative Supplement, 2016; to change reporting requirements; to define and redefine terms; to include virtual school students in the calculation of aid under the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 635.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-504 and 37-513, Reissue Revised Statutes of Nebraska; to change violations and penalties as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 636.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-564 and 37-568, Reissue Revised Statutes of Nebraska; to change provisions relating to interference with a person hunting, trapping, or fishing; and to repeal the original sections.

**LEGISLATIVE BILL 637.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to firearms; to prohibit disclosure of any applicant or permitholder information regarding firearm registration, possession, sale, or use as prescribed.

**LEGISLATIVE BILL 638.** Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-111, 28-115, 28-929, 28-929.01, 28-930, 28-931, 28-931.01, 28-1351, and 28-1354, Reissue Revised Statutes of Nebraska; to provide enhanced criminal penalties based upon a person's employment as an officer, a firefighter, an emergency responder, a correctional employee, a Department of Health and Human Services employee, or a health care professional as prescribed; to create the offense of assault on local correctional employees as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 639.** Introduced by Bostelman, 23; Blood, 3; Brewer, 43; Kolowski, 31; Quick, 35.

A BILL FOR AN ACT relating to labor; to amend section 48-226, Reissue Revised Statutes of Nebraska, and section 48-225, Revised Statutes Cumulative Supplement, 2016; to define and redefine terms; to change when a preference is required for certain government employment; and to repeal the original section.

**LEGISLATIVE BILL 640.** Introduced by Groene, 42; Erdman, 47; Friesen, 34; Halloran, 33; Hughes, 44; Lowe, 37; Smith, 14; Stinner, 48.

A BILL FOR AN ACT relating to school finance; to amend section 77-4209, Reissue Revised Statutes of Nebraska, and sections 77-3442, 77-4212, and 79-1023, Revised Statutes Cumulative Supplement, 2016; to change provisions of the Property Tax Credit Act; to provide for school district property tax relief; to change the levy limitations for school districts; to change property tax request provisions for school districts; and to repeal the original sections.

**LEGISLATIVE BILL 641.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to economic development; to amend section 81-12,154, Reissue Revised Statutes of Nebraska, and section 81-12,163, Revised Statutes Cumulative Supplement, 2016; to provide for a Bioscience Innovation Program; to provide duties for the Director of Economic Development; to create a fund; to prohibit certain appropriations and transfers as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 642.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to prescription drug monitoring; to amend section 71-2454, Revised Statutes Cumulative Supplement, 2016; to change requirements for veterinarians; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 643.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-6408, 60-346, 60-509, 60-534, and 60-549, Reissue Revised Statutes of Nebraska, and sections 60-310 and 60-501, Revised Statutes Cumulative Supplement, 2016; to change liability insurance and financial responsibility requirements; to provide an operative date; and to repeal the original sections.

**MOTION(S) - Rerefer LB276**

Senator Chambers renewed his motion, MO8, found on page 220 and considered in this day's Journal, to rerefer LB276 to the Judiciary Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Chambers requested a record vote on the motion to rerefer the bill.

Voting in the affirmative, 15:

Baker	Ebke	Krist	Pansing Brooks	Walz
Blood	Hansen	McCollister	Quick	Wayne
Crawford	Kolowski	Morfeld	Schumacher	Williams

Voting in the negative, 20:

Albrecht	Briese	Geist	Hughes	Lowe
Bostelman	Craighead	Groene	Kolterman	Murante
Brasch	Erdman	Halloran	Lindstrom	Riepe
Brewer	Friesen	Hilgers	Linehan	Smith

Present and not voting, 3:

Chambers	Harr	Scheer
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Excused and not voting, 11:

Bolz	Kintner	McDonnell	Watermeier
Hilkemann	Kuehn	Stinner	Wishart
Howard	Larson	Vargas	

The Chambers motion to rerefer the bill failed with 15 ayes, 20 nays, 3 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

**MOTION(S) - Rerefer LB353**

Senator Chambers offered his motion, MO11, found on page 238, to rerefer LB353 to the Government, Military and Veterans Affairs Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

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

Voting in the affirmative, 1:

Harr

Voting in the negative, 35:

Baker	Ebke	Hilkemann	Lowe	Schumacher
Blood	Erdman	Hughes	McDonnell	Smith
Bostelman	Friesen	Kintner	Murante	Vargas
Brasch	Geist	Kolterman	Pansing Brooks	Walz
Brewer	Halloran	Krist	Quick	Watermeier
Briese	Hansen	Lindstrom	Riepe	Williams
Crawford	Hilgers	Linehan	Scheer	Wishart

Present and not voting, 6:

Albrecht	Craighead	Morfeld
Chambers	Kolowski	Wayne

Excused and not voting, 7:

Bolz	Howard	Larson	Stinner
Groene	Kuehn	McCollister	

The Chambers motion to rerefer the bill failed with 1 aye, 35 nays, 6 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 644.** Introduced by Government, Military and Veterans Affairs Committee: Murante, 49, Chairperson; Blood, 3; Brewer, 43; Briese, 41; Craighead, 6; Hilgers, 21; Lowe, 37; Wayne, 13.

A BILL FOR AN ACT relating to government; to amend sections 2-945.02, 2-954, 2-1814, 2-1816, 2-3815, 24-719, 24-803, 24-806, 24-809, 24-809.04,

24-810, 24-810.01, 24-811.02, 24-812, 32-204, 38-108, 38-158, 38-167, 38-1202, 38-1203, 38-1216, 38-1217, 38-1218, 38-1219, 38-1224, 38-1228, 38-1229, 38-1232, 38-1237, 38-1237, 38-2701, 38-2703, 43-1318, 44-5224, 44-5230, 44-5255, 44-5258, 44-5266, 49-1499.02, 60-4,105, 60-4,118, 60-4,118.03, 68-949, 71-457, 71-8237, 71-8241, and 84-1411, Reissue Revised Statutes of Nebraska, and sections 2-301, 2-958.02, 60-4,114, 60-4,146, 68-908, 68-909, and 68-1108, Revised Statutes Cumulative Supplement, 2016; to provide, change, and eliminate powers and duties relating to the Department of Agriculture, the Commission on Judicial Qualifications, judicial nominating commissions, the State Board of Health, the Department of Health and Human Services, the Department of Insurance, the Department of Motor Vehicles, and the State Trauma Advisory Board; to provide for a transfer of funds; to eliminate the community gardens task force, the state noxious weed advisory committee, the Nebraska Potato Development Committee, the advisory committee for value-added agricultural promotion and development, the Carbon Sequestration Advisory Committee, the Judicial Resources Commission, the Board of Emergency Medical Services, the Perfusionist Committee, the Out-of-Home Data Pilot Project Advisory Group, the Nebraska Small Employer Health Reinsurance Program, the Nebraska Exchange Stakeholder Commission, the Nebraska Exchange Transparency Act, the Intergenerational Poverty Task Force, the Health Advisory Board, the Medicaid Reform Council, the Medical Home Advisory Council, the Aging Nebraskans Task Force, the Nursing Home Advisory Council, the Critical Incident Stress Management Act, the Stem Cell Research Act, the Health Care Transparency Act, a committee and provisions regarding an assessment matrix, and a technical advisory committee to the State Records Board; to eliminate programs, councils, committees, and cash funds; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-965.01, 2-1803, 2-5301, 2-5302, 2-5303, 2-5305, 2-5306, 24-802, 24-805, 24-1201, 24-1202, 24-1203, 24-1204, 24-1205, 24-1206, 38-1206, 38-1215, 38-2712, 43-1322, 44-5231, 44-5246, 44-5248, 44-5251, 44-5261, 44-5263, 60-4,118.02, 60-4,118.04, 68-948, 68-957, 68-958, 68-960, 68-961, 71-6043, 71-6044, 71-6045, 71-6046, 71-6047, 71-6048, 71-6049, 71-6050, 71-6051, 71-6052, 71-7101, 71-7102, 71-7103, 71-7104, 71-7105, 71-7106, 71-7107, 71-7108, 71-7109, 71-7110, 71-7111, 71-7112, 71-7113, 71-8801, 71-8802, 71-8803, 71-8806, and 84-1205.01, Reissue Revised Statutes of Nebraska, and sections 2-305, 44-8701, 44-8702, 44-8703, 44-8704, 44-8705, 44-8706, 50-429, 50-430, 50-431, 50-432, 50-433, 68-959, 68-1107, 68-1109, 68-1110, 71-8804, 71-8805, 71-9201, 71-9202, 71-9203, 71-9204, and 81-2,294, Revised Statutes Cumulative Supplement, 2016.

**LEGISLATIVE BILL 645.** Introduced by Pansing Brooks, 28; Baker, 30; Brewer, 43; Crawford, 45; Ebke, 32; Kolowski, 31; Linehan, 39; Morfeld, 46; Walz, 15.

A BILL FOR AN ACT relating to special education; to amend section 79-1118.01, Reissue Revised Statutes of Nebraska; to define a term; and to repeal the original section.



**LEGISLATIVE BILL 646.** Introduced by Pansing Brooks, 28; Brewer, 43; Ebke, 32; Hansen, 26; Kolowski, 31; Kuehn, 38; McCollister, 20; Morfeld, 46; Stinner, 48; Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to extreme weather preparedness; to require development of a strategic action plan; to state findings; to provide for a task force and require submission of a plan.

**LEGISLATIVE BILL 647.** Introduced by Pansing Brooks, 28; Briese, 41; Halloran, 33; Harr, 8; Hilgers, 21; Kolowski, 31; Morfeld, 46; Williams, 36.

A BILL FOR AN ACT relating to judges' salaries; to amend section 24-201.01, Reissue Revised Statutes of Nebraska; to change judges' salaries; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 648.** Introduced by Pansing Brooks, 28; Ebke, 32; Kolowski, 31; Morfeld, 46.

A BILL FOR AN ACT relating to technology; to create and provide duties for the New Machine Age Task Force.

**LEGISLATIVE BILL 649.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2016; to prohibit additional services and populations under the medicaid managed care program as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 650.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to teachers; to change provisions for teaching certificates as prescribed; to authorize alternative certification for teachers; and to authorize adjunct teaching certificates.

**LEGISLATIVE BILL 651.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to schools; to adopt the Nebraska Reading Improvement Act.

**LEGISLATIVE BILL 652.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to flags; to authorize the display of the Honor and Remember Flag as prescribed.

**LEGISLATIVE BILL 653.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to redistricting; to amend section 49-1499.03, Reissue Revised Statutes of Nebraska, and section 49-1493, Revised Statutes Cumulative Supplement, 2016; to adopt the Redistricting

Act; to require statements of financial interest and conflict of interest statements as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 654.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Automatic Dialing-Announcing Devices Act; to amend sections 75-132.01, 86-236, 86-250, 86-252, 86-253, 86-254, 86-255, 86-256, and 86-257, Reissue Revised Statutes of Nebraska, and section 49-14,123, Revised Statutes Cumulative Supplement, 2016; to change duties of the Public Service Commission; to provide duties and separate jurisdiction for the Nebraska Accountability and Disclosure Commission for political telephone calls or messages; to change provisions relating to registration, enforcement, fines, and appeals; to harmonize provisions; to repeal the original sections; and to outright repeal section 86-239, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 655.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to state government; to amend section 81-1108, Reissue Revised Statutes of Nebraska; to authorize state employees to participate in volunteer work at public elementary, middle, and high schools and certain nonprofit organizations during work hours; and to repeal the original section.

**LEGISLATIVE BILL 656.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to claims against the state; to amend sections 29-3506, 29-4601, 29-4602, 29-4603, 29-4604, 29-4605, 29-4606, 29-4607, 29-4608, 81-8,210, and 81-8,227, Reissue Revised Statutes of Nebraska; to rename the Nebraska Claims for Wrongful Conviction and Imprisonment Act; to provide for claims against the state by persons wrongfully incarcerated; to change provisions relating to the effect of recovery on a claim under such act; to provide a procedure to seek reimbursement from the State Claims Board for certain judgments against political subdivisions as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 657.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to public power; to adopt the Retail Electricity Transparency Act.

**LEGISLATIVE BILL 658.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-2,129, Reissue Revised Statutes of Nebraska; to provide for appointment of expert witnesses as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 659.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to pipelines; to amend sections 57-1101, 57-1401, 57-1403, 57-1405, 73-307, 73-507, 75-502, 76-710.04, and 81-1701, Revised Statutes Cumulative Supplement, 2016; to change and eliminate provisions relating to eminent domain; to change provisions of the Major Oil Pipeline Siting Act; to provide, change, and eliminate provisions relating to the review and evaluation of pipeline routes; to harmonize provisions; to repeal the original sections; and to outright repeal sections 57-1501 to 57-1503, Revised Statutes Cumulative Supplement, 2016.

**LEGISLATIVE BILL 660.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to public power; to amend section 70-1014.02, Revised Statutes Cumulative Supplement, 2016; to adopt the Nebraska Retail Electricity Choice Act; to remove a restriction on the sale or delivery of retail electricity by a private electric supplier; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 661.** Introduced by Kuehn, 38; Brasch, 16; Brewer, 43; Craighead, 6; Erdman, 47; Friesen, 34; Geist, 25; Groene, 42; Halloran, 33; Kintner, 2; Lowe, 37.

A BILL FOR AN ACT relating to state records; to amend section 84-712.08, Reissue Revised Statutes of Nebraska; to provide for confidentiality of certain information relating to performing a lethal injection; and to repeal the original section.

**LEGISLATIVE BILL 662.** Introduced by Linehan, 39; Briese, 41.

A BILL FOR AN ACT relating to schools; to amend section 79-760.06, Revised Statutes Cumulative Supplement, 2016; to establish a grading system for schools and school districts; and to repeal the original section.

**LEGISLATIVE BILL 663.** Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1480, Reissue Revised Statutes of Nebraska; to require a copy of a lobbying contract for registration as a lobbyist as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 664.** Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1492, Reissue Revised Statutes of Nebraska; to prohibit a political subdivision from compensating a lobbyist with revenue from taxes or fees; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 665.** Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1488, Revised Statutes Cumulative Supplement, 2016; to require a statement of activity regarding certain lobbying activity; and to repeal the original section.

**LEGISLATIVE BILL 666.** Introduced by Kintner, 2.

A BILL FOR AN ACT relating to firearms; to amend section 28-1202, Reissue Revised Statutes of Nebraska; to change provisions relating to carrying a concealed weapon; to define a term; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 667.** Introduced by Hilkemann, 4; Smith, 14.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1208.01, Reissue Revised Statutes of Nebraska, and section 2-1208, Revised Statutes Cumulative Supplement, 2016; to eliminate a prohibition on taxes and fees; to change taxation of parimutuel wagering; and to repeal the original sections.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 15CA.** Introduced by Morfeld, 46.

THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2018, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 22:

1-22 (1) All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.

(2) In order to protect the fundamental constitutional right of each eligible citizen to vote, requiring a voter to present identification prior to being able to vote shall be prohibited.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to prohibit requiring presentation of identification prior to voting.

For

Against.

**LEGISLATIVE RESOLUTION 16CA.** Introduced by Wayne, 13.

THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2018, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 12:

VIII-12 For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, ~~which taxes shall be at such rate for a period not to exceed fifteen years,~~ on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment. Cities and villages may pledge such taxes for a period not to exceed fifteen years, except that the Legislature may allow cities and villages to pledge such taxes for a period not to exceed twenty years if more than one-half of the property in the project area is designated as extremely blighted.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the Legislature to allow cities and villages to pledge property taxes as part of a redevelopment project for a period not to exceed twenty years if more than one-half of the property in the project area is extremely blighted.

For

Against.

**LEGISLATIVE RESOLUTION 17CA.** Introduced by Wayne, 13.

THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2018, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 1:

VIII-1 The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature

may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation ~~uniformly and proportionately~~ upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation ~~uniformly and proportionately~~; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The tax proceeds from motor vehicles taxed in each county shall be allocated to the county and the cities, villages, and school districts of such county; (4) ~~the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land;~~ (5) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; ~~(5)(6)~~ the Legislature may prescribe standards and methods for the determination of the value of real property ~~at uniform and proportionate values;~~ ~~(6)(7)~~ in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, ~~and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise;~~ and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and ~~(7)(8)~~ the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes

uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to eliminate requirements that property taxes be levied by valuation uniformly and proportionately.

For

Against.

**LEGISLATIVE RESOLUTION 18CA.** Introduced by Larson, 40; Hansen, 26.

THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2018, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 8, Article IV, section 2, and Article V, section 7:

III-8 ~~A~~ No person shall be eligible for the office of member of the Legislature if, unless on the date of the general election at which such person ~~he~~ is elected, or on the date of his or her appointment, such person ~~he~~ is a registered voter, has attained the federal voting age, of twenty-one years and has resided within the district from which he or she is elected or appointed for the term of one year next before his or her election or appointment unless such person has, unless he shall have been absent on the public business of the United States or of this State. ~~A~~ And no person elected or appointed to the office of member of the Legislature as aforesaid shall not hold such ~~his~~ office after he or she has been ~~shall have~~ removed from such district.

IV-2 A person shall be eligible to any public office, whether elected or appointed, if such person has attained the federal voting age, subject to qualifications, other than age, established by law. ~~A~~ No person shall be eligible to the office of Governor, or Lieutenant Governor if he or she has, who shall not have attained the age of thirty years, and who shall not have been for five years next preceding his or her election a resident and citizen of this state and a citizen of the United States. ~~Any~~ None of the appointive officers mentioned in this article shall not be eligible to any other state office during the period for which they have been appointed.

V-7 A person shall be eligible to any public office, whether elected or appointed, if such person has attained the federal voting age, subject to qualifications, other than age, established by law. ~~A~~ No person shall be

eligible to the office of Chief Justice or Judge of the Supreme Court if such person unless he shall be at least thirty years of age, and a citizen of the United States; and has shall have resided in this state at least three years next preceding his or her selection; and nor, in the case of a Judge of the Supreme Court selected from a Supreme Court judicial district, if unless he or she is shall be a resident and elector of the district from which selected.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide and change eligibility requirements for state office.

For

Against.

### NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Friday, January 27, 2017 1:30 p.m.

LB425

LB166

LB117

Wednesday, January 25, 2017 1:30 p.m.

LB333

LB334

LB335

LB336

Thursday, January 26, 2017 1:30 p.m.

LB255

LB267

LB285

(Signed) Merv Riepe, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, January 25, 2017 1:30 p.m.

LB240

LB318

LB388



(Signed) John Murante, Chairperson

Natural Resources

Room 1525

Wednesday, January 25, 2017 1:30 p.m.

LB182

Thursday, January 26, 2017 1:30 p.m.

LB154

LB176

(Signed) Dan Hughes, Chairperson

Revenue

Room 1524

Thursday, January 26, 2017 1:30 p.m.

LB295

LB65

LB118

(Signed) Jim Smith, Chairperson

**COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 45.** Placed on General File.

(Signed) Curt Friesen, Chairperson

**ANNOUNCEMENT(S)**

The Legislative Performance Audit Committee elected Senator Kuehn as Chairperson and Senator Geist as Vice Chairperson.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Quick name added to LB404.

Senator Riepe name added to LB333.

Senator Riepe name added to LB334.  
Senator Riepe name added to LB335.  
Senator Riepe name added to LB336.

### **VISITOR(S)**

Visitors to the Chamber were Chase Stebbing from Wahoo High School; Captain Mil Yi, Command Chaplain, U.S. Strategic Command at Offutt Air Force Base, his wife, Nan, and daughters, Candice and Catherine from Bellevue; 4 seventh-grade students and teacher from Papillion La Vista Middle School.

The Doctor of the Day was Dr. Natalie Tymkowych from West Point.

### **MOTION - Recess**

Senator Chambers moved to recess until 1:30 p.m.

The motion failed.

### **ADJOURNMENT**

At 12:00 p.m., on a motion by Speaker Scheer, the Legislature adjourned until 9:00 a.m., Thursday, January 19, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**ELEVENTH DAY - JANUARY 19, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 19, 2017

**PRAYER**

The prayer was offered by Pastor Brian High, First Baptist Church, Tekamah.

**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 Senators Harr and Pansing Brooks who were excused; and Senators Larson, Morfeld, and Wishart who were excused until they arrive.

**SENATOR LINDSTROM PRESIDING**

**CORRECTIONS FOR THE JOURNAL**

The Journal for the tenth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB431	Government, Military and Veterans Affairs
LB432	Government, Military and Veterans Affairs
LB433	Government, Military and Veterans Affairs
LB434	Judiciary
LB435	Judiciary
LB436	Business and Labor
LB437	Government, Military and Veterans Affairs
LB438	Revenue
LB439	Health and Human Services
LB440	Judiciary
LB441	Health and Human Services
LB442	Executive Board
LB443	Revenue
LB444	Judiciary

LB445 Executive Board  
LB446 Judiciary  
LB447 Judiciary  
LB448 Natural Resources  
LB449 Agriculture  
LB450 Judiciary  
LB451 Government, Military and Veterans Affairs  
LB452 Revenue  
LB453 Revenue  
LB454 Banking, Commerce and Insurance  
LB455 Urban Affairs  
LB456 Health and Human Services  
LB457 Education  
LB458 Government, Military and Veterans Affairs  
LB459 Transportation and Telecommunications  
LB460 Transportation and Telecommunications  
LB461 Revenue  
LB462 Revenue  
LB463 General Affairs  
LB464 Executive Board  
LB465 Appropriations  
LB466 Health and Human Services  
LB467 Revenue  
LB468 Revenue  
LB469 General Affairs  
LB470 General Affairs  
LB471 Judiciary  
LB472 Transportation and Telecommunications  
LB473 Business and Labor  
LB474 Banking, Commerce and Insurance  
LB475 Revenue  
LB476 Banking, Commerce and Insurance  
LB477 Agriculture  
LB478 Judiciary  
LB479 Government, Military and Veterans Affairs  
LB480 Banking, Commerce and Insurance  
LB481 Health and Human Services  
LB482 Government, Military and Veterans Affairs  
LB483 Transportation and Telecommunications  
LB484 Education  
LB485 Government, Military and Veterans Affairs  
LB486 Banking, Commerce and Insurance  
LB487 Judiciary  
LB488 Natural Resources  
LB489 Urban Affairs  
LB490 Education  
LB491 Judiciary  
LB492 Judiciary  
LB493 Appropriations  
LB494 Government, Military and Veterans Affairs

(Signed) Dan Watermeier, Chairperson  
Executive Board

**COMMITTEE REPORT(S)**  
Government, Military and Veterans Affairs

**LEGISLATIVE BILL 80.** Placed on General File.

(Signed) John Murante, Chairperson

**MOTION(S) - Print in Journal**

Senator Wayne filed the following motion to LB659:  
MO13  
Withdraw bill.

**MOTION(S) - Withdraw LB370**

Senator Lowe offered his motion, MO12, found on page 249, to withdraw LB370.

The Lowe motion to withdraw the bill prevailed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 1.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 2.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 3.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 4.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 5.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**EASE**

The Legislature was at ease from 9:26 a.m. until 9:53 a.m.

**SPEAKER SCHEER PRESIDING****COMMITTEE REPORT(S)**

Agriculture

**LEGISLATIVE BILL 134.** Placed on General File.

(Signed) Lydia Brasch, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 46.** Placed on General File.

(Signed) Curt Friesen, Chairperson

Urban Affairs

**LEGISLATIVE BILL 74.** Placed on General File.

**LEGISLATIVE BILL 131.** Placed on General File.

**LEGISLATIVE BILL 132.** Placed on General File.

**LEGISLATIVE BILL 133.** Placed on General File.

**LEGISLATIVE BILL 113.** Placed on General File with amendment.

AM5

1 1. Insert the following new sections:

2 Sec. 11. Section 16-901, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4 16-901 (1) Except as provided in section 13-327 and subsection (2)  
5 of this section, the extraterritorial zoning jurisdiction of a city of  
6 the first class shall consist of the unincorporated area two miles beyond  
7 and adjacent to its corporate boundaries.

8 (2) For purposes of sections 70-1001 to 70-1020, the  
9 extraterritorial zoning jurisdiction of a city of the first class shall  
10 consist of the unincorporated area one mile beyond and adjacent to its  
11 corporate boundaries.

12 (3) Any city of the first class may apply by ordinance any existing  
13 or future zoning regulations, property use regulations, building  
14 ordinances, electrical ordinances, plumbing ordinances, and ordinances  
15 authorized by section 16-240 within its extraterritorial zoning  
16 jurisdiction with the same force and effect as if such area were within  
17 the corporate limits of the city, except that no such ordinance shall be  
18 extended or applied so as to prohibit, prevent, or interfere with the  
19 conduct of existing farming, livestock operations, businesses, or  
20 industry. The fact that the extraterritorial zoning jurisdiction is  
21 located in a different county or counties than some or all portions of

22 the municipality shall not be construed as affecting the powers of the  
23 city to apply such ordinances.

24 (4)(a) A city of the first class shall provide written notice to the  
25 county board of the county in which the city's two-mile extraterritorial  
26 zoning jurisdiction is located when proposing to adopt or amend a zoning  
27 ordinance which affects the city's two-mile extraterritorial zoning  
1 jurisdiction within such county. The written notice of the proposed  
2 change to the zoning ordinance shall be sent to the county board or its  
3 designee at least thirty days prior to the final decision by the city.  
4 The county board may submit comments or recommendations regarding the  
5 change in the zoning ordinance at the public hearings on the proposed  
6 change or directly to the city within thirty days after receiving such  
7 notice. The city may make its final decision (i) upon the expiration of  
8 the thirty days following the notice or (ii) when the county board  
9 submits comments or recommendations, if any, to the city prior to the  
10 expiration of the thirty days following the notice.

11 (b) Subdivision (4)(a) of this section does not apply to a city of  
12 the first class (i) located in a county with a population in excess of  
13 one hundred thousand inhabitants as determined by the most recent federal  
14 decennial census or the most recent revised certified count by the United  
15 States Bureau of the Census or (ii) if the city and the county have a  
16 joint planning commission or joint planning department.

17 Sec. 20. Section 17-1001, Revised Statutes Cumulative Supplement,  
18 2016, is amended to read:

19 17-1001 (1) Except as provided in section 13-327, any city of the  
20 second class or village may apply by ordinance any existing or future  
21 zoning ordinances, property use regulation ordinances, building  
22 ordinances, electrical ordinances, and plumbing ordinances to an area  
23 within one mile of the corporate limits of such municipality, with the  
24 same force and effect as if such area was within its corporate limits. No  
25 such ordinance shall be extended or applied so as to prohibit, prevent,  
26 or interfere with the conduct of existing farming, livestock operations,  
27 businesses, or industry. For purposes of sections 70-1001 to 70-1020, the  
28 zoning area of a city of the second class or village shall be one-half  
29 mile from the corporate limits of such municipalities. The fact that the  
30 zoning area or part thereof is located in a different county or counties  
31 than some or all portions of the municipality shall not be construed as  
1 affecting the necessity of obtaining the approval of the city council or  
2 board of trustees of such municipality or its agent designated pursuant  
3 to section 19-916.

4 (2)(a) A city of the second class or village shall provide written  
5 notice to the county board of the county in which the one-mile  
6 extraterritorial zoning jurisdiction of the city or village is located  
7 when proposing to adopt or amend a zoning ordinance which affects the  
8 one-mile extraterritorial zoning jurisdiction of the city or village  
9 within such county. The written notice of the proposed change to the  
10 zoning ordinance shall be sent to the county board or its designee at  
11 least thirty days prior to the final decision by the city or village. The  
12 county board may submit comments or recommendations regarding the change

13 in the zoning ordinance at the public hearings on the proposed change or  
 14 directly to the city or village within thirty days after receiving such  
 15 notice. The city or village may make its final decision (i) upon the  
 16 expiration of the thirty days following the notice or (ii) when the  
 17 county board submits comments or recommendations, if any, to the city or  
 18 village prior to the expiration of the thirty days following the notice.  
 19 (b) Subdivision (2)(a) of this section does not apply to a city of  
 20 the second class or a village (i) located in a county with a population  
 21 in excess of one hundred thousand inhabitants as determined by the most  
 22 recent federal decennial census or the most recent revised certified  
 23 count by the United States Bureau of the Census or (ii) if the city or  
 24 village and the county have a joint planning commission or joint planning  
 25 department.  
 26 2. Renumber the remaining sections and correct the repealer  
 27 accordingly.

(Signed) Justin Wayne, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
 Executive Board

Room 2102

Thursday, January 26, 2017 12:00 p.m.

LB210  
 LB230  
 LB464

Monday, January 30, 2017 12:00 p.m.

LB216  
 LR3

(Signed) Dan Watermeier, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, January 26, 2017 1:30 p.m.

LB431  
 LB432  
 LB479

Friday, January 27, 2017 1:30 p.m.

LB200  
 LB209  
 LB458



(Signed) John Murante, Chairperson

### ANNOUNCEMENT(S)

The Legislature's Planning Committee elected Senator Schumacher as Chairperson and Senator Vargas as Vice Chairperson.

The Building Maintenance Committee elected Senator Lowe as Vice Chairperson.

### MOTION - Escort Chief Justice

Senator Hansen moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court and members of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Ebke, Halloran, Hansen, Morfeld, and Baker to serve on said committee.

The committee escorted Chief Justice Michael G. Heavican to the rostrum where he delivered the following message:

State of the Judiciary  
Chief Justice Michael G. Heavican  
January 19, 2017

Mr. President, Mr. Speaker, Members of the Legislature, fellow Justices of the Nebraska Supreme Court, and fellow Nebraskans. I would like to thank the members of this legislative body, especially Speaker Scheer, for inviting me to address you this morning.

It is an honor for me to report on the accomplishments of the judicial branch this past year, and to discuss the future of the courts and Probation.

First, I will introduce my fellow Justices.

To my immediate right is Justice John Wright of Scottsbluff; to his right is Justice William Cassel of O'Neill; and to Justice Cassel's right is Justice Max Kelch of Papillion.

To my immediate left is Justice Lindsey Miller-Lerman of Omaha; and to her left is our newest member of the Court, Justice Jeff Funke of Nebraska City. Justice Stephanie Stacy of Lincoln was unable to be with us today.

Every year I use this occasion to report to you the Legislature, and to the citizens of Nebraska, the accomplishments of the Judiciary and the challenges that the third branch of government faces in the future. My State of the Judiciary addresses have been overwhelmingly positive. This is my 10<sup>th</sup> presentation to this body, and Nebraska's Judicial Branch has taken on many challenges over those 10 years. By and large, those challenges have been met or are being met.

This year, however, my presentation to you necessarily has both good news and bad news. I think it is best to start with the good news.

Since this is the 10<sup>th</sup> State of the Judiciary address I have given, it is an appropriate time to briefly review some of the challenges and accomplishments of the last 10 years.

Not surprisingly, the number of cases being filed in our court system has not changed dramatically during the last 10 years because Nebraska's population has not changed dramatically over the last 10 years. Caseloads generally have increased in our urban areas and have remained flat or have declined in our rural districts.

***Access.***

There are two factors, however, that have increasingly burdened our courts in those last 10 years. First, ever-increasing numbers of Nebraskans, like citizens in the rest of the country, are attempting to represent and defend themselves in court without legal assistance. This Court, the Nebraska State Bar Association, hundreds of volunteer lawyers, and both the Creighton University School of Law and the University of Nebraska College of Law, have worked diligently to lessen the problems that unrepresented parties pose to our court system.

Our reorganized Access to Justice Committee will work to staff self-help centers in our courthouses in Omaha, Lincoln, Grand Island, Kearney, Scottsbluff, and Norfolk. The Committee will try to tackle special problems of access to justice for Nebraska's minority communities and seek ways to fund Legal Aid and lawyer volunteer services. They are charged with aiding the Nebraska State Bar Association in attracting young lawyers to our rural areas, which would otherwise be faced with a critical void of legal professionals.

No lawyers means no judges. It is increasingly difficult for us to fill judicial vacancies in the Third Congressional District. Kudos to this Legislature for the debt-forgiveness plan for rural legal services you passed in 2014. Kudos also to the Bar Association and the UNL College of Law for their new rural law opportunities program which reserves law school slots for selected students from Chadron and Wayne State Colleges and from the University of Nebraska at Kearney.

***Interpreters.***

The Access to Justice Committee also monitors and helps build a system of support to tackle the second problem that has consistently and persistently increased the workload burden in our courts. That problem is the need for interpreters so that litigants, as well as judges, juries, lawyers, and other consumers of court services, can understand what is being said and what is happening in our courtrooms.

In fiscal year 2015, we had a need for 133 interpreters in 43 different languages. Over the last 10 years, we have set up a sophisticated system to certify interpreters and share interpreters with other states and institutions. We adopted an Interpreter Code of Ethics and we monitor the process to assure a quality work product.

This system utilizes technology to provide scarce and unique resources for all of our courthouses, however remote or isolated, with needed interpreter

services. Spanish, Arabic, Karen, and Somali are our most used interpreter languages, but we also find interpreters for such languages as K'ich'e [Quich-ee], Dinka, and Q'anjob'al [Kan-job-al]. The certified interpreter program is one of our brightest accomplishments of the last 10 years.

***Technology.***

What other special accomplishments have the courts achieved in the last 10 years? The courts are far more accessible to the public through technology and telecommunications.

The Supreme Court and Court of Appeals have webcast our oral arguments for the last 5 years. Many of our trial courts now have teleconferencing capabilities, making access simpler and more affordable for our lawyers and litigants. I am proud to say that on March 1, all of our trial courts will allow expanded television, radio, and electronic coverage of court proceedings. This effort was spear-headed by a committee of trial court judges dedicated to 21<sup>st</sup> Century access.

Speaking of technology, Nebraska is one of the few states in the United States that has a united and uniform computerized case management system. This system is used by all of our trial courts, the Court of Appeals, and the Supreme Court.

As many of you know from earlier State of the Judiciary presentations, Nebraskans can view court documents 24 hours a day electronically, from their offices or homes. They can pay fines and fees utilizing their personal computers. Last year alone, we collected over \$20,900,000 electronically.

Lawyers and litigants can, and are, electronically filing most court documents that only a few years ago were done with paper, by hand, or by regular mail. In 2016, 650,000 documents were electronically filed in our courts. Last year our major accomplishment in this area was to make electronic filing available to the Court of Appeals and Supreme Court, just as it has been available in our trial courts.

***Public Guardian.***

What else have the courts taken on in the last 10 years? Most recently, this body – to its credit – voted to set up a public guardianship program for the State of Nebraska. Nebraska was apparently the last state in the United States to implement such a program.

The program is designed to provide court-appointed guardians and conservators for Nebraska's elderly or mentally or physically disabled persons if there are no relatives, friends, volunteers, or other appointment options for our judges. In almost all states in the United States, the public guardian program is housed somewhere in the Executive Branch. But in Nebraska, you chose to put the public guardianship program in the court system. We take that as a vote of confidence in our ability to competently implement and develop such a program. We have done that.

I want to especially acknowledge the work of Michelle Chaffee, Nebraska's head public guardian. Michelle has done the mighty job of putting that program together from scratch, hiring assistant public guardians and taking on remarkably challenging cases from all around the state. Michelle has also set up a cadre of volunteers to serve as court visitors and

replacement guardians. She has taken over the mandatory education of every family member, friend, or volunteer who serves as a guardian or conservator in the State of Nebraska.

***Juvenile Justice.***

What else have the courts taken on in the last 10 years? What other challenges have our judges, support staff, and probation officers taken on at your behest?

Of course you will remember that our office of Probation Administration, led by Ellen Fabian Brokofsky, took over the supervision of all of our young people in Nebraska's juvenile justice system. This was a function formerly performed by the Department of Health and Human Services. Like the Office of Public Guardian, this body chose to have the courts, specifically the office of Probation Administration, perform needed supervisory services for young people who have committed law violations or are truant or otherwise ungovernable by their parents or custodians.

Like the Office of Public Guardian, we started the juvenile justice program from scratch and put together a state-wide program with scant assistance from the Department of Health and Human Services about the historical costs of juvenile justice supervision. By and large, this too has been a huge success. Preliminary budget problems were vigorously attacked, and the initial deficit of \$7 million that was projected to continue into this biennium has been completely erased.

At the same time, our juvenile justice program has emphasized not removing children from their homes and families. Instead, the program provides, where ever and whenever possible, services in those homes and to those families, and minimizes costly and traumatizing incarceration, institutionalization, and foster care. We continue to make progress on that front.

In the next few months, we will be able to report to this body on adult recidivism statistics. Juvenile Justice recidivism data will follow shortly thereafter. Most of our judges are happy with what we have been able to do with juvenile justice, and they continue to urge us to provide even more service alternatives.

***Justice Reinvestment.***

What else have the courts and Probation taken on in the last 10 years? In the last year-and-a-half, following recommendations from the Platte Institute and from the Council for State Governments, this body chose to embark on a program we all call Justice Reinvestment, introduced as LB 605.

Justice Reinvestment is the code word for "we-can't-afford-to-build-a-new-prison-so-we-need-to-find-some-way-to-handle-the-persistently-growing-population-of-convicted-criminals-in-our-prison-system."

Studies show that a significant number of our incarcerated adults are sentenced to relatively short prison terms. They come back to our local communities and immediately return to using and selling methamphetamine, crack cocaine, and heroin. They physically assault their spouses and abuse their children. They burglarize our neighbors' homes, shoplift from our local merchants, rob our convenience stores, and resort to escalating violence in

our largest cities.

Where did this body and the Executive Branch turn when it wanted to come up with an effective community corrections program to stall the rising rate of imprisonment and turn around the almost guaranteed recidivism for those short-term incarcerated criminal defendants? You turned to the court system and the court's office of Probation Administration.

As per LB 605, all low grade felonies are touched by Probation. The Courts and Probation are both the front door to the Department of Corrections system and the back door to the Department of Corrections.

Justice Reinvestment was billed as a joint effort by all three branches. All three branches worked to get buy-in for Justice Reinvestment. We set up committees with police officers, prosecutors, public defenders, and concerned Nebraska citizens. We all committed to making Justice Reinvestment a success.

But there were skeptics. There were those who said that Justice Reinvestment would never be adequately funded. You're looking at one of those skeptics.

Many of you heard me say that we can do this – the courts can do this, the office of Probation Administration can do this – but it has to be adequately funded. I was assured that it would be adequately funded.

I began this presentation with the good news. Now here's the bad news. There has been an economic downturn and we have to cut the State's budget. Some programs have been spared, others not. Justice Reinvestment was not spared. The commitment that all three branches of government made was apparently for the convenience of the moment.

We understand that all budgets, or at least most budgets, in state government have to be cut. We began preparing for that eventuality just as soon as the bad budget news started last August.

We saved over \$4.5 million by delaying hiring throughout the Judicial Branch. We can save more money by doing that again in the next 6 months. By not replacing employees for up to 6 months, including probation officers, we can save approximately another \$1 million. However, by cutting back on probation officers, we necessarily have to cut back on the number of people that can be supervised in Probation.

To meet the \$8.2 million budget reduction goal suggested by the Governor's projections, we would also have to cancel all vouchers to pay for short-term residential drug treatment utilized by our drug courts, by our intensive drug treatment program, and by various other probation options now available to our judges.

We have chosen to make only minimal cuts to Juvenile Justice services because our Juvenile Court Judges have no other options available to them to handle their caseloads. Our judges handling adult criminal cases do have another option available to them.

Our judges are not stupid. If they cannot be assured that Probation is able to adequately supervise and rehabilitate adult offenders -- that Probation can't protect the abused spouses, the abused children, and Nebraska's homeowners and merchants -- they will choose their other sentencing option, the sentencing option they have always had, the sentencing option they have traditionally used. They will incarcerate.

It costs \$35,000 per year to warehouse a Nebraska prisoner. It costs \$8,000 to \$10,000 to supervise an adult, high-risk probationer. It costs \$3,000 to \$4,000 to supervise a medium- or low-risk probationer. You do the math.

We set up a massive judicial re-education effort to make sure all of our judges understood LB 605 and the new responsibilities and options available to them. We set up new probation options for reentry and opened 5 new day and evening Reporting Centers.

In past State of the Judiciary addresses, I have been reluctant to discuss our budget or even mention the word "money." Each of my presentations to you has largely been a celebration of the courts' and Probation's accomplishments. Like the first part of this presentation, each State of the Judiciary speech was a call to our judges, support staff, probation officers, and the state's legal community to do a better job and to find a better way.

In that spirit, we bought into Justice Reinvestment – hook, line, and sinker. And now, unless you live up to your end of the Justice Reinvestment bargain, we are left holding the bag.

That does not have to be. We can wisely use the money allotted to us. We can make evidence-based decisions about risk and where to best spend supervision and service dollars. We can partner with other parts of this State's government to share resources to provide job services and mental health services. But it will be all for naught with the recommended cuts for this biennium and the next biennium. Next year we will gut reentry supervision and begin to close day and evening Reporting Centers. We will try to push Drug Court costs onto the counties and begin to surgically triage juvenile justice.

We will not do things poorly. We will do the very best job with whatever resources we are given. But if those resources are inadequate, we will cut back on some to preserve others, based on the needs of our judges and the communities they serve.

Let me close by inviting each of you to a drug court graduation or a visit to your local probation office. Talk to the probationers and watch their interaction with their probation officers, their families, and their peers. Listen to their comments. Chances are you will hear this: "Probation saved my life." "You saved my family." "I have a job." "I'm a positive part of my community."

Good community corrections programs work. They save lives and they save money. Keep the good community corrections programs you already have.

My apologies for the bad news, but my thanks for your attention and this opportunity to speak with you and for your continued support of the courts.

The committee escorted the Chief Justice from the Chamber.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 8, 9, and 10 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 8, 9, and 10.

**MOTION - Adopt Permanent Rules**

Senator Hilgers moved to adopt the permanent rules for the One Hundred Fifth Legislature, First Session, and any special sessions held during the 2017 calendar year.

The Rules Committee offered the proposed rule change, Proposed Rule Change 1, found on page 241, to Rule 5, Sec. 5.

The Rules Committee's proposed rule change, Proposed Rule Change 1, to Rule 5, Sec. 5, was adopted with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

The Rules Committee offered the proposed rule change, Proposed Rule Change 4, found on page 245, to add a new Rule 11.

The Rules Committee's proposed rule change, Proposed Rule Change 4, to add a new Rule 11, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Pending.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator McCollister name added to LB645.

Senator Kolterman name added to LB553.

Senator Albrecht name added to LB194.

Senator Blood name added to LB194.

Senator Vargas name added to LR4.

Senator Halloran name added to LB47.

**VISITOR(S)**

Visitors to the Chamber were 9 Judiciary Branch Administrators; The Honorable Joseph Bataillon, President of the Nebraska State Bar Association, J. Scott Paul, President Elect Designate of the Nebraska State Bar Association, and Elizabeth Neeley, Executive Director of the Nebraska

State Bar Association; and Mike McCabe and Tim Anderson from  
Midwestern Legislative Conference of the Council of State Government.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

### **ADJOURNMENT**

At 10:45 a.m., on a motion by Senator Brasch, the Legislature adjourned  
until 9:00 a.m., Friday, January 20, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWELFTH DAY - JANUARY 20, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 20, 2017

**PRAYER**

The prayer was offered by Pastor Michael McDonald, Coffee House Ministries, Fairbury.

**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 Senators Kolowski and Pansing Brooks who were excused; and Senators Hughes and Larson who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eleventh day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB495	Health and Human Services
LB496	Urban Affairs
LB497	Government, Military and Veterans Affairs
LB498	Revenue
LB499	Agriculture
LB500	Judiciary
LB501	Judiciary
LB502	Judiciary
LB503	Business and Labor
LB504	Natural Resources
LB505	Judiciary
LB506	Health and Human Services
LB507	Business and Labor
LB508	Government, Military and Veterans Affairs
LB509	Judiciary
LB510	Government, Military and Veterans Affairs

LB511	Education
LB512	Education
LB513	Appropriations
LB514	Appropriations
LB515	Business and Labor
LB516	Judiciary
LB517	Judiciary
LB518	Business and Labor
LB519	Business and Labor
LB520	Judiciary
LB521	Education
LB522	Transportation and Telecommunications
LB523	Transportation and Telecommunications
LB524	Appropriations
LB525	Education
LB526	Judiciary
LB527	Judiciary
LB528	Revenue
LB529	Judiciary
LB530	Executive Board
LB531	Revenue
LB532	Nebraska Retirement Systems
LB533	Natural Resources
LB534	Health and Human Services
LB535	Revenue
LB536	Natural Resources
LB537	Health and Human Services
LB538	Appropriations
LB539	Executive Board
LB540	Education
LB541	General Affairs
LB542	Judiciary
LB543	Revenue
LB544	Judiciary
LB545	Appropriations
LB546	Revenue
LB547	Natural Resources
LB548	Nebraska Retirement Systems
LB549	Banking, Commerce and Insurance
LB550	Banking, Commerce and Insurance
LB551	Banking, Commerce and Insurance
LB552	Health and Human Services
LB553	Business and Labor
LB554	Education
LB555	Revenue
LB556	Judiciary
LB557	Revenue
LB558	Judiciary
LB559	Banking, Commerce and Insurance
LB560	Judiciary
LB561	Revenue

LB562	Judiciary
LB563	Revenue
LB564	Revenue
LB565	Revenue
LB566	Natural Resources
LB567	Government, Military and Veterans Affairs
LB568	Education
LB569	Education
LB570	Revenue
LB571	Education
LB572	Revenue
LB573	Transportation and Telecommunications
LB574	Judiciary
LB575	Education
LB576	Revenue
LB577	Judiciary
LB578	Health and Human Services
LB579	Urban Affairs
LB580	Appropriations
LB581	Government, Military and Veterans Affairs
LB582	Banking, Commerce and Insurance
LB583	Health and Human Services
LB584	Transportation and Telecommunications
LB585	Judiciary
LB586	Health and Human Services
LB587	Transportation and Telecommunications
LB588	Health and Human Services
LB589	Judiciary
LB590	Urban Affairs
LB591	Urban Affairs
LB592	Revenue
LB593	Judiciary
LB594	Banking, Commerce and Insurance
LB595	Judiciary
LB596	Health and Human Services
LB597	Urban Affairs
LB598	Business and Labor
LB599	Revenue
LB600	Agriculture
LB601	Revenue
LB602	Revenue
LB603	Government, Military and Veterans Affairs
LB604	Banking, Commerce and Insurance
LB605	Health and Human Services
LB606	Judiciary
LB607	Revenue
LB608	Education
LB609	Business and Labor
LB610	Natural Resources
LB611	Appropriations
LB612	Transportation and Telecommunications

LB613 Revenue  
LB614 Urban Affairs  
LB615 Judiciary  
LB616 Revenue  
LB617 Agriculture  
LB618 Transportation and Telecommunications  
LB619 Government, Military and Veterans Affairs  
LB620 Appropriations  
LB621 Appropriations  
LB622 Judiciary  
LB623 Judiciary  
LB624 Government, Military and Veterans Affairs  
LB625 Urban Affairs  
LB626 Natural Resources  
LB627 Transportation and Telecommunications  
LB628 Government, Military and Veterans Affairs  
LB629 Transportation and Telecommunications  
LB630 Education  
LB631 General Affairs  
LB632 General Affairs  
LB633 Revenue  
LB634 Education  
LB635 Natural Resources  
LB636 Natural Resources  
LB637 Judiciary  
LB638 Judiciary  
LB639 Business and Labor  
LB640 Revenue  
LB641 Banking, Commerce and Insurance  
LB642 Health and Human Services  
LB643 Banking, Commerce and Insurance  
LB644 Judiciary  
LB645 Education  
LB646 Executive Board  
LB647 Judiciary  
LB648 Executive Board  
LB649 Health and Human Services  
LB650 Education  
LB651 Education  
LB652 Government, Military and Veterans Affairs  
LB653 Executive Board  
LB654 Transportation and Telecommunications  
LB655 Government, Military and Veterans Affairs  
LB656 Judiciary  
LB657 Natural Resources  
LB658 Judiciary  
LB659 Judiciary  
LB660 Natural Resources  
LB662 Education  
LB663 Government, Military and Veterans Affairs  
LB664 Government, Military and Veterans Affairs

LB665 Government, Military and Veterans Affairs  
 LB666 Judiciary  
 LB667 Revenue  
 LR15CA Government, Military and Veterans Affairs  
 LR16CA Urban Affairs  
 LR17CA Revenue  
 LR18CA Government, Military and Veterans Affairs

(Signed) Dan Watermeier, Chairperson  
 Executive Board

**NOTICE OF COMMITTEE HEARING(S)**  
 Health and Human Services

Room 1510

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

LB401

(Signed) Merv Riepe, Chairperson

**COMMITTEE REPORT(S)**  
 Health and Human Services

**LEGISLATIVE BILL 18.** Placed on General File.  
**LEGISLATIVE BILL 19.** Placed on General File.

(Signed) Merv Riepe, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 19, 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

Amack, Angela K.  
 Lincoln Police Union  
 Geis, Gavin Lawrence  
 Common Cause National  
 Gould, John 'Jack'  
 Common Cause Nebraska  
 Mauldin, Zachary  
 Marijuana Policy Project  
 O'Hara Lindsay & Associates, Inc.  
 Kissel/E&S Associates, LLC  
 Sharpe, Bridget  
 Professional Beauty Association

**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>

**MOTION(S) - Withdraw LB659**

Senator Wayne offered his motion, MO13, found on page 293, to withdraw LB659.

The Wayne motion to withdraw the bill prevailed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

**MOTION - Adopt Permanent Rules**

The Hilgers motion to adopt the permanent rules for the One Hundred Fifth Legislature, First Session, and any special sessions held during the 2017 calendar year, found on page 303, as amended, was renewed.

The Rules Committee offered the proposed rule change, Proposed Rule Change 3, found on page 245, to Rule 5, Sec. 7.

Pending.

**NOTICE OF COMMITTEE HEARING(S)**  
Nebraska Retirement Systems

Room 1525

Friday, February 3, 2017 12:00 p.m.

LB278  
LB413

Friday, February 10, 2017 12:00 p.m.

LB414

Tuesday, February 21, 2017 12:00 p.m.

LB412

(Signed) Mark Kolterman, Chairperson

Judiciary

Room 1113

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

LB39  
LB81  
LB100  
LB321

(Signed) Laura Ebke, Chairperson

**COMMITTEE REPORT(S)**  
Nebraska Retirement Systems

**LEGISLATIVE BILL 29.** Placed on General File.  
**LEGISLATIVE BILL 94.** Placed on General File.

(Signed) Mark Kolterman, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Agriculture

Room 2102

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

LB348  
LB477

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

LB600  
LB260  
LB274

(Signed) Lydia Brasch, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 1.** Placed on Select File.  
**LEGISLATIVE BILL 2.** Placed on Select File.  
**LEGISLATIVE BILL 3.** Placed on Select File.  
**LEGISLATIVE BILL 4.** Placed on Select File.  
**LEGISLATIVE BILL 5.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

**MOTION - Adopt Permanent Rules**

The Rules Committee renewed their proposed rule change, Proposed Rule Change 3, found on page 245 and considered in this day's Journal, to Rule 5, Sec. 7.

Senator Stinner offered the following amendment to the Rules Committee's proposed rule change:

Amend Proposed Rule Change 3

Rule 5, Sec. 7

In subsection (p) strike ~~expedite~~ and insert efficiently manage

The Stinner amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

The Rules Committee's proposed rule change, Proposed Rule Change 3, as amended, was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Pending.

**MOTION - Adopt Temporary Rules**

Senator Schumacher moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the seventeenth legislative day.

The motion prevailed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

**NOTICE OF COMMITTEE HEARING(S)**

Business and Labor

Room 2102

Monday, January 30, 2017 1:30 p.m.

LB273

LB519

LB363

LB172

LB264

LB301

(Signed) Joni Albrecht, Chairperson



Revenue

Room 1524

Friday, January 27, 2017 1:30 p.m.

LB44  
LB564  
LB462

(Signed) Jim Smith, Chairperson

**MOTION(S) - Print in Journal**

Senator Krist filed the following motion to LB642:

MO14  
Withdraw bill.

Senator Kuehn filed the following motion to LB583:

MO15  
Withdraw bill.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 19.** Introduced by Wishart, 27.

WHEREAS, expanded learning opportunity programs, meaning high-quality afterschool and summer programs for school-aged youth powered by collaboration between schools and communities, create vital learning opportunities for youth to gain the skills necessary for college, careers, and citizenship; and

WHEREAS, the people of Nebraska stand firmly committed to developing and supporting partnerships between schools and community-based organizations to provide high-quality, sustainable expanded learning opportunities beyond the traditional school day and academic year; and

WHEREAS, expanded learning opportunity programs provide school-age youth with safe, challenging, and enriching learning experiences and opportunities to develop their social, emotional, cultural, physical, and academic skills; and

WHEREAS, expanded learning opportunity programs engage school-age youth in hands-on Science, Technology, Engineering, and Math (STEM) learning opportunities that inspire habits of mind, which, as has been demonstrated by research, motivate young people to prepare for the STEM careers that will power the future prosperity of Nebraska; and

WHEREAS, expanded learning opportunity programs support working families by ensuring that children are in safe, stimulating, nurturing environments both before and after the regular school day and traditional academic year; and

WHEREAS, expanded learning opportunity programs allow parents and families, who are our children's first and most important teachers, to become involved in year-round learning activities that encourage their children's educational, social, and emotional development; and

WHEREAS, expanded learning opportunity programs encourage families, schools, and diverse community organizations to work together to expand learning opportunities that create rich learning environments that benefit all children.

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

1. That the Legislature recognizes January 16-20, 2017, as Expanded Learning Opportunities Week in Nebraska.

2. That the Legislature encourages all people to take time this week to consider how school and community partnerships can be formed and existing partnerships can be strengthened to help expand learning opportunities for all youth.

Laid over.

### **MOTION - Adopt Permanent Rules**

The Rules Committee offered the proposed rule change, Proposed Rule Change 2, found on page 243, to Rule 5, Sec. 7.

Senator Stinner offered the following amendment to the Rules Committee's proposed rule change:

Amend Rule 3, Sec. 14 and Rule 5, Sec. 7 as follows:

#### **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 ~~seven~~ <sup>ten</sup><sup>1</sup> 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.

<sup>1</sup>To begin January 1, 2018

#### **Amend Rule 5, Sec. 7**

**Sec. 7. Fiscal Analyst.** (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if

the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill, to prepare the fiscal note ~~within five calendar days~~ no later than three business days prior to the filing of the completed fiscal note by the Legislative Fiscal Analyst with the Clerk's Office as required by Rule 5(7) subsection (d).<sup>1</sup>

<sup>1</sup>To begin January 1, 2018

(c) The Legislative Fiscal Analyst shall review the fiscal note so prepared and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk at least ~~twenty-four~~ forty-eight<sup>1</sup> 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.

<sup>1</sup>To begin January 1, 2018

(e) When amendments to a bill are adopted by the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note each time the bill is advanced to Enrollment and Review or upon the written request of a member of the Legislature.

(f) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation to implement in the ensuing fiscal year, an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information

contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairperson of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading.

(g) The authorization bill shall first be considered and if it should be passed on Final Reading then the "A" bill shall be read and voted on for final passage.

(h) The fiscal note shall be factual in nature, as brief and concise as may be, and shall, if possible, provide a reliable estimate in dollars and, in addition, it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range effect of the measure. If, after investigation, it is determined that no dollar estimate is possible, the fiscal note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

(i) No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared, however, technical or mechanical defects may be noted.

(j) The subject matter of bills submitted to boards, commissions, departments, agencies, or other entities of the state by the Fiscal Analyst shall be kept in strict confidence by said agencies and by the office of Fiscal Analyst together with the content of the fiscal note itself and no information relating thereto shall be divulged by any official or employee prior to its introduction in the Legislature.

(k) To implement the provisions of and assure compliance with Art. III, Sec. 22 of the Nebraska Constitution (deficiency appropriations), and Art. IV, Sec. 7 of the Nebraska Constitution (appropriations in excess of Governor's request), the Appropriations Committee shall advise the Legislature of the number of votes required to assure passage of the same.

#### **SENATOR KRIST PRESIDING**

The Stinner amendment was adopted with 29 ayes, 6 nays, 9 present and not voting, and 5 excused and not voting.

Pending.

**MOTION(S) - Print in Journal**

Senator Brasch filed the following motion to LB106:  
MO16  
Withdraw bill.

**WITHDRAW - Cointroducer(s)**

Senator Scheer name withdrawn from LB333.  
Senator Scheer name withdrawn from LB334.  
Senator Scheer name withdrawn from LB335.  
Senator Scheer name withdrawn from LB336.

**VISITOR(S)**

Visitors to the Chamber were 12 members of Local 385 - Omaha Firefighters Union; members of the Nebraska Cattlemen YCC Class of 2017; 10 fourth-grade students, teachers, and sponsors from Faith Christian School, Kearney; and Dr. Nancy Cappello from Woodbury, CT, Bill Rauth from Omaha, and Austin Mackrill from Omaha.

The Doctor of the Day was Dr. Gerald Luckey from David City.

**ADJOURNMENT**

At 11:45 a.m., on a motion by Senator Friesen, the Legislature adjourned until 9:00 a.m., Monday, January 23, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTEENTH DAY - JANUARY 23, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 23, 2017

**PRAYER**

The prayer was offered by Senator Williams.

**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 Friesen, Krist, Quick, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twelfth day was approved.

**NOTICE OF COMMITTEE HEARING(S)**

Banking, Commerce and Insurance

Room 1507

Monday, January 30, 2017 1:30 p.m.

LB137  
LB231  
LB241  
LB239

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

LB148  
LB187  
LB486  
LB306

(Signed) Brett Lindstrom, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 12, 13, and 14 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 12, 13, and 14.

**MOTION(S) - Withdraw LB106**

Senator Brasch offered her motion, MO16, found on page 317, to withdraw LB106.

The Brasch motion to withdraw the bill prevailed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 56.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 45.** Title read. Considered.

Pending.

**NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Monday, January 30, 2017 1:30 p.m.

LB58  
LB427  
LB428

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

LB214  
LB457  
LB175  
LB377

(Signed) Mike Groene, Chairperson



Transportation and Telecommunications

Room 1113

Monday, January 30, 2017 1:30 p.m.

LB55  
LB584  
LB78  
LB339

(Signed) Curt Friesen, Chairperson

General Affairs

Room 1510

Monday, January 30, 2017 1:30 p.m.

LB463  
LB393  
LB469

(Signed) Tyson Larson, Chairperson

Nebraska Retirement Systems

Room 1525

Monday, February 13, 2017 12:00 p.m.

LB532

Thursday, February 23, 2017 12:00 p.m.

LB548

(Signed) Mark Kolterman, Chairperson

**COMMITTEE REPORT(S)**

Education

**LEGISLATIVE BILL 62.** Placed on General File.

**LEGISLATIVE BILL 119.** Placed on General File.

(Signed) Mike Groene, Chairperson

## Judiciary

**LEGISLATIVE BILL 8.** Placed on General File.

**LEGISLATIVE BILL 11.** Placed on General File.

**LEGISLATIVE BILL 57.** Placed on General File.

**LEGISLATIVE BILL 10.** Placed on General File with amendment.

AM27

1 1. On page 2, line 9, strike "Six" and insert "Seven".

(Signed) Laura Ebke, Chairperson

## Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Patrick Berggren - Game and Parks Commission

Henry Rick Brandt - Game and Parks Commission

James Ernst - Game and Parks Commission

Aye: 7 Albrecht, Bostelman, Geist, Hughes, McCollister, Quick, Walz. Nay:

0. Absent: 1 Kolowski. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 45.** Senator Chambers offered the following motion:

MO17

Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Senator Watermeier offered the following amendment:

FA1

Strike beginning with "a" in line 23, page 3 through "trust" in line 25 and insert "a person who"

After "section" in line 25, page 3 insert "who is a designated beneficiary of a trust"

Senator Watermeier withdrew his amendment.

Senator McCollister offered the following amendment:

AM32

1 1. On page 3, line 23, strike "or"; and in line 25 after "section"

2 insert ", or (d) a current or former commissioned officer of the United

3 States Public Health Service or National Oceanic and Atmospheric  
4 Administration who has been detailed directly to any branch of such armed  
5 forces for service on active or reserve duty and who was discharged or  
6 otherwise separated with a characterization of honorable or general  
7 (under honorable conditions) as proven with valid orders from the United  
8 States Department of Defense, a statement of service provided by the  
9 United States Public Health Service, or a report of transfer or discharge  
10 provided by the National Oceanic and Atmospheric Administration".

Pending.

**NOTICE OF COMMITTEE HEARING(S)**

Urban Affairs

Room 1510

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

LB256  
LB383  
LB304  
LB399

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

LB9  
LB455  
LB591  
LB590

Tuesday, February 14, 2017 1:30 p.m.

LB625  
LB97  
LB614

Tuesday, February 21, 2017 1:30 p.m.

LB579  
LB262  
LB489  
LB597

Tuesday, February 28, 2017 1:30 p.m.

LB95  
LB496  
LR16CA

(Signed) Justin Wayne, Chairperson

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 85.** Placed on General File with amendment.  
AM30

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

3 Section 1. Section 32-602, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 32-602 (1) Any person seeking an elective office shall be a  
6 registered voter at the time of filing for the office pursuant to section  
7 32-606 or 32-611.

8 (2) Any person filing for office shall meet the constitutional and  
9 statutory requirements of the office for which he or she is filing. If a  
10 person is filing for a partisan office, he or she shall be a registered  
11 voter affiliated with the appropriate political party if required  
12 pursuant to section 32-702. If the person is required to sign a contract  
13 or comply with a bonding or equivalent commercial insurance policy  
14 requirement prior to holding such office, he or she shall be at least  
15 nineteen years of age at the time of filing for the office.

16 (3) A person shall not be eligible to file for an office if he or  
17 she holds the office and his or her term of office expires after the  
18 beginning of the term of office for which he or she would be filing. This  
19 subsection does not apply to filing for an office to represent a  
20 different district, ward, subdistrict, or subdivision of the same  
21 governmental entity as the office held at the time of filing.

22 (4)(a) Except as provided in subdivision (b) of this subsection, a  
23 person shall not be eligible to file for an office until he or she has  
24 paid any outstanding civil penalties and interest imposed pursuant to the  
25 Nebraska Political Accountability and Disclosure Act. The filing officer  
26 shall determine such eligibility before accepting a filing. The Nebraska  
27 Accountability and Disclosure Commission shall provide the filing  
1 officers with current information or the most current list of such  
2 outstanding civil penalties and interest owed pursuant to subdivision  
3 (13) of section 49-14.123.

4 (b) A person owing a civil penalty to the commission shall be  
5 eligible to file for an office if:

6 (i) The matter in which the civil penalty was assessed is pending on  
7 appeal before a state court; and

8 (ii) The person files with the commission a surety bond running in  
9 favor of the State of Nebraska with surety by a corporate bonding company  
10 authorized to do business in this state and conditioned upon the payment  
11 of the civil penalty imposed under the Nebraska Political Accountability  
12 and Disclosure Act.

13 ~~(5) (4)~~ The governing body of the political subdivision swearing in  
14 the officer shall determine whether the person meets all requirements  
15 prior to swearing in the officer.

16 Sec. 2. Section 32-607, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 32-607 All candidate filing forms shall contain the following  
19 statement: I hereby swear that I will abide by the laws of the State of  
20 Nebraska regarding the results of the primary and general elections, that  
21 I am a registered voter and qualified to be elected, and that I will  
22 serve if elected. Candidate filing forms shall also contain the following  
23 information regarding the candidate: Name ~~candidate's name~~; residence  
24 address; mailing address if different from the residence address;  
25 telephone number; office sought; ~~and~~ party affiliation if the office  
26 sought is a partisan office; a statement as to whether or not civil  
27 penalties are owed pursuant to the Nebraska Political Accountability and  
28 Disclosure Act; and, if civil penalties are owed, whether or not a surety  
29 bond has been filed pursuant to subdivision (4)(b) of section 32-602.

30 Candidate filing forms shall be filed with the following filing officers:

31 (1) For candidates for national, state, or congressional office,  
1 directors of public power and irrigation districts, directors of  
2 reclamation districts, directors of natural resources districts, members  
3 of the boards of educational service units, members of governing boards  
4 of community colleges, delegates to national conventions, and other  
5 offices filled by election held in more than one county and judges  
6 desiring retention, in the office of the Secretary of State;  
7 (2) For officers elected within a county, in the office of the  
8 election commissioner or county clerk;  
9 (3) For officers in school districts which include land in adjoining  
10 counties, in the office of the election commissioner or county clerk of  
11 the county in which the greatest number of registered voters entitled to  
12 vote for the officers reside; and  
13 (4) For city or village officers, in the office of the election  
14 commissioner or county clerk.

15 Sec. 3. Section 49-1401, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 49-1401 Sections 49-1401 to 49-14,141 and section 4 of this act  
18 shall be known and may be cited as the Nebraska Political Accountability  
19 and Disclosure Act.

20 Sec. 4. No person shall be appointed to any elective or appointive  
21 office specified in section 49-1493 until he or she has first paid any  
22 outstanding civil penalties and interest imposed pursuant to the Nebraska  
23 Political Accountability and Disclosure Act.

24 Sec. 5. Section 49-14,123, Revised Statutes Cumulative Supplement,  
25 2016, is amended to read:

26 49-14,123 In addition to any other duties prescribed by law, the  
27 commission shall:

28 (1) Adopt and promulgate rules and regulations to carry out the  
29 Nebraska Political Accountability and Disclosure Act pursuant to the  
30 Administrative Procedure Act;  
31 (2) Prescribe forms for statements and reports required to be filed  
1 pursuant to the Nebraska Political Accountability and Disclosure Act and  
2 furnish such forms to persons required to file such statements and

3 reports;

4 (3) Prepare and publish one or more manuals explaining the duties of  
5 all persons and other entities required to file statements and reports by  
6 the act and setting forth recommended uniform methods of accounting and  
7 reporting for such filings;

8 (4) Accept and file any reasonable amount of information voluntarily  
9 supplied that exceeds the requirements of the act;

10 (5) Make statements and reports filed with the commission available  
11 for public inspection and copying during regular office hours and make  
12 copying facilities available at a cost of not more than fifty cents per  
13 page;

14 (6) Compile and maintain an index of all reports and statements  
15 filed with the commission to facilitate public access to such reports and  
16 statements;

17 (7) Prepare and publish summaries of statements and reports filed  
18 with the commission and special reports and technical studies to further  
19 the purposes of the act;

20 (8) Review all statements and reports filed with the commission in  
21 order to ascertain whether any person has failed to file a required  
22 statement or has filed a deficient statement;

23 (9) Preserve statements and reports filed with the commission for a  
24 period of not less than five years from the date of receipt;

25 (10) Issue and publish advisory opinions on the requirements of the  
26 act upon the request of a person or government body directly covered or  
27 affected by the act. Any such opinion rendered by the commission, until  
28 amended or revoked, shall be binding on the commission in any subsequent  
29 charges concerning the person or government body who requested the  
30 opinion and who acted in reliance on it in good faith unless material  
31 facts were omitted or misstated by the person or government body in the  
1 request for the opinion;

2 (11) Act as the primary civil enforcement agency for violations of  
3 the Nebraska Political Accountability and Disclosure Act and the rules or  
4 regulations adopted and promulgated thereunder;

5 (12) Receive all late filing fees, civil penalties, and interest  
6 imposed pursuant to the Nebraska Political Accountability and Disclosure  
7 Act and remit all such funds to the State Treasurer for credit to the  
8 Nebraska Accountability and Disclosure Commission Cash Fund; ~~and~~

9 (13) Provide current information or a list of persons owing civil  
10 penalties and interest to filing officers to determine compliance with  
11 subsection (4) of section 32-602. The commission shall provide the  
12 current information or list to each filing officer on December 1 prior to  
13 a statewide primary election, shall continuously update the information  
14 or list through March 1 prior to the statewide primary election, and  
15 shall update such information or list at other times upon request of a  
16 filing officer; and

17 ~~(14)~~ (13) Prepare and distribute to the appropriate local officials  
18 statements of financial interest, campaign committee organization forms,  
19 filing instructions and forms, and such other forms as the commission may  
20 deem appropriate.

21 Sec. 6. Original sections 32-602, 32,607, and 49-1401, Reissue  
22 Revised Statutes of Nebraska, and section 49-14,123, Revised Statutes  
23 Cumulative Supplement, 2016, are repealed.

(Signed) John Murante, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Hilkemann name added to LB46.  
Senator Quick name added to LB46.  
Senator Ebke name added to LB103.  
Senator Hilkemann name added to LB195.  
Senator Bolz name added to LB456.  
Senator Geist name added to LB46.  
Senator Lindstrom name added to LB553.  
Senator Riepe name added to LB46.

**VISITOR(S)**

Visitors to the Chamber were members of Nebraska Abate from across the state; and 30 students and teachers from St. Mary's School, Lincoln.

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Murante, the Legislature adjourned until 9:00 a.m., Tuesday, January 24, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature





**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:

<b>LB/LR</b>	<b>Committee</b>
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



**FIFTEENTH DAY - JANUARY 25, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 25, 2017

**PRAYER**

The prayer was offered by Pastor Jon Sollberger, Immanuel Lutheran Church, Louisville.

**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 Kintner and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourteenth day was approved.

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services

Room 1510

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

LB605 (cancel)

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

LB605

(Signed) Merv Riepe, Chairperson

**CONFLICT OF INTEREST STATEMENTS**

Pursuant to Rule 1, Sec. 19, Senators Williams and Stinner have filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

**RESIGNATION**

January 25, 2017

The Honorable Jim Scheer  
Speaker  
Nebraska Legislature  
2103 State Capitol  
Lincoln, Nebraska 68509

Dear Mr. Speaker:

This letter is written to advise you that I am resigning my position as a Member of the Nebraska Legislature, effective at 12:01 a.m. on January 30, 2017. It has been an honor and immense privilege to serve Nebraskans throughout my tenure in this position.

I especially want to commend your leadership as Speaker of the Legislature. I have always appreciated your fair and balanced approach and your willingness to tackle the difficult but necessary policy issues to move our state forward. I wish you great success in your tenure as the Speaker.

Sincerely,  
(Signed) Bill Kintner  
Nebraska State Senator

**COMMUNICATION(S)**

January 25, 2017

Senator Bill Kintner  
District 2  
State Capitol  
Lincoln, NE 68509

Dear Senator Kintner,

Pursuant to Nebraska Revised Statutes §32-562, I hereby acknowledge receipt of your January 25, 2017 letter resigning your seat as a member of the Nebraska Unicameral Legislature representing Legislative District 2 effective January 30, 2017 at 12:01 a.m.

Sincerely,  
(Signed) Jim Scheer  
Speaker

cc: Patrick J. O'Donnell, Clerk of the Nebraska Legislature  
Pete Ricketts, Governor of the State of Nebraska

**MOTION - Adopt Permanent Rules**

The Hilgers motion to adopt the permanent rules for the One Hundred Fifth Legislature, First Session, and any special sessions held during the 2017 calendar year, found on page 303 and considered on pages 310, 312, and 314, as amended, was renewed.

The Rules Committee renewed the proposed rule change, Proposed Rule Change 2, found on page 243, as amended, to Rule 5, Sec. 7.

Senator Harr offered his amendment, found on page 336, to the proposed rule change to Rule 5, Sec. 7.

Pending.

**MOTION(S) - Print in Journal**

Senator Hilkemann filed the following motion to LB667:  
MO22  
Withdraw bill.

**NOTICE OF COMMITTEE HEARING(S)**  
Revenue

Room 1524

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

LB49  
LB69  
LB129  
LB174

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

LB98  
LB217

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

LB337  
LB338

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

LB546  
LB387  
LB126

(Signed) Jim Smith, Chairperson

Government, Military and Veterans Affairs

Room 1507

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

LR6  
LR18CA

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

LB127  
LB365  
LB494

(Signed) John Murante, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 45.** Placed on Select File with amendment.

ER1

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Section 60-3,122.03, Revised Statutes Cumulative  
4 Supplement, 2016, is amended to read:  
5 60-3,122.03 (1) The department shall design license plates to be  
6 known as Military Honor Plates. The department shall create designs  
7 honoring persons who have served or are serving in the United States  
8 Army, United States Army Reserve, United States Navy, United States Navy  
9 Reserve, United States Marine Corps, United States Marine Corps Reserve,  
10 United States Coast Guard, United States Coast Guard Reserve, United  
11 States Air Force, United States Air Force Reserve, or National Guard.  
12 There shall be eleven ~~six~~ designs, one for each of such armed forces  
13 reflecting its official emblem, official seal, or other official image.  
14 The issuance of plates for each of such armed forces shall be conditioned  
15 on the approval of the armed forces owning the copyright to the official  
16 emblem, official seal, or other official image. A person may qualify for  
17 a Military Honor Plate by registering with the Department of Veterans'  
18 Affairs pursuant to section 80-414. The Department of Motor Vehicles  
19 shall verify the applicant's eligibility for a plate created pursuant to



20 this section by consulting the registry established by the Department of  
21 Veterans' Affairs.

22 (2) The design shall be selected on the basis of limiting the  
23 manufacturing cost of each plate to an amount less than or equal to the  
24 amount charged for license plates pursuant to section 60-3,102. The  
25 Department of Motor Vehicles shall make applications available for each  
26 type of plate when it is designed. The department may adopt and  
27 promulgate rules and regulations to carry out this section and section  
1 60-3,122.04.

2 (3) One type of Military Honor Plates shall be alphanumeric plates.  
3 The department shall:

4 (a) Assign a designation up to five characters; and

5 (b) Not use a county designation.

6 (4) One type of Military Honor Plates shall be personalized message  
7 plates. Such plates shall be issued subject to the same conditions  
8 specified for personalized message license plates in section 60-3,118,  
9 except that a maximum of five characters may be used.  
10 Sec. 2. Section 60-3,122.04, Revised Statutes Cumulative Supplement,  
11 2016, is amended to read:

12 60-3,122.04 (1) ~~An~~ Beginning January 2, 2016, an eligible person may  
13 apply to the department for Military Honor Plates in lieu of regular  
14 license plates on an application prescribed and provided by the  
15 department for any motor vehicle, trailer, semitrailer, or cabin trailer,  
16 except for a motor vehicle or trailer registered under section 60-3,198.  
17 An applicant receiving a Military Honor Plate for a farm truck with a  
18 gross weight of over sixteen tons shall affix the appropriate tonnage  
19 decal to the plate. The department shall make forms available for such  
20 applications through the county treasurers. The license plates shall be  
21 issued upon payment of the license fee described in subsection (2) of  
22 this section and verification by the department of an applicant's  
23 eligibility using the registry established by the Department of Veterans'  
24 Affairs pursuant to section 80-414. To be eligible an applicant shall be  
25 (a) active duty or reserve duty armed forces personnel serving in any of  
26 the armed forces listed in subsection (1) of section 60-3,122.03, ~~or~~ (b)  
27 a veteran of any of such armed forces who was discharged or otherwise  
28 separated with a characterization of honorable or general (under  
29 honorable conditions), or (c) a current or former commissioned officer of  
30 the United States Public Health Service or National Oceanic and  
31 Atmospheric Administration who has been detailed directly to any branch  
1 of such armed forces for service on active or reserve duty and who was  
2 discharged or otherwise separated with a characterization of honorable or  
3 general (under honorable conditions) as proven with valid orders from the  
4 United States Department of Defense, a statement of service provided by  
5 the United States Public Health Service, or a report of transfer or  
6 discharge provided by the National Oceanic and Atmospheric  
7 Administration. Any person using Military Honor Plates shall surrender  
8 the plates to the county treasurer if such person is no longer eligible  
9 for the plates. Regular plates shall be issued to any such person upon  
10 surrender of the Military Honor Plates for a three-dollar transfer fee

11 and forfeiture of any of the remaining annual fee. The three-dollar  
12 transfer fee shall be remitted to the State Treasurer for credit to the  
13 Department of Motor Vehicles Cash Fund.

14 (2)(a) In addition to all other fees required for registration under  
15 the Motor Vehicle Registration Act, each application for initial issuance  
16 or renewal of alphanumeric Military Honor Plates shall be accompanied by  
17 a fee of five dollars. County treasurers collecting fees pursuant to this  
18 subdivision shall remit them to the State Treasurer. The State Treasurer  
19 shall credit five dollars of the fee to the Nebraska Veteran Cemetery  
20 System Operation Fund.

21 (b) In addition to all other fees required for registration under  
22 the Motor Vehicle Registration Act, each application for initial issuance  
23 or renewal of personalized message Military Honor Plates shall be  
24 accompanied by a fee of forty dollars. County treasurers collecting fees  
25 pursuant to this subdivision shall remit them to the State Treasurer. The  
26 State Treasurer shall credit twenty-five percent of the fee for initial  
27 issuance and renewal of such plates to the Department of Motor Vehicles  
28 Cash Fund and seventy-five percent of the fee to the Nebraska Veteran  
29 Cemetery System Operation Fund.

30 (3) When the Department of Motor Vehicles receives an application  
31 for Military Honor Plates, the department shall deliver the plates to the  
1 county treasurer of the county in which the motor vehicle or cabin  
2 trailer is registered. The county treasurer shall issue Military Honor  
3 Plates in lieu of regular license plates when the applicant complies with  
4 the other provisions of the Motor Vehicle Registration Act for  
5 registration of the motor vehicle or cabin trailer. If Military Honor  
6 Plates are lost, stolen, or mutilated, the licensee shall be issued  
7 replacement license plates upon request pursuant to section 60-3,157.

8 (4) The owner of a motor vehicle or cabin trailer bearing Military  
9 Honor Plates may apply to the county treasurer to have such plates  
10 transferred to a motor vehicle other than the vehicle for which such  
11 plates were originally purchased if such vehicle is owned by the owner of  
12 the plates. The owner may have the unused portion of the fee for the  
13 plates credited to the other vehicle which will bear the plates at the  
14 rate of eight and one-third percent per month for each full month left in  
15 the registration period. Application for such transfer shall be  
16 accompanied by a fee of three dollars. Fees collected pursuant to this  
17 subsection shall be remitted to the State Treasurer for credit to the  
18 Department of Motor Vehicles Cash Fund.

19 (5) If the cost of manufacturing Military Honor Plates at any time  
20 exceeds the amount charged for license plates pursuant to section  
21 60-3,102, any money to be credited to the Nebraska Veteran Cemetery  
22 System Operation Fund shall instead be credited first to the Highway  
23 Trust Fund in an amount equal to the difference between the manufacturing  
24 costs of Military Honor Plates and the amount charged pursuant to section  
25 60-3,102 with respect to such plates and the remainder shall be credited  
26 to the Nebraska Veteran Cemetery System Operation Fund.

27 (6) If the director discovers evidence of fraud in an application  
28 for Military Honor Plates or that the holder is no longer eligible to

29 have Military Honor Plates, the director may summarily cancel the plates  
30 and registration and send notice of the cancellation to the holder of the  
31 license plates.

1 Sec. 3. Section 80-414, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 80-414 (1) The Department of Veterans' Affairs shall create and  
4 maintain a registry of residents of Nebraska who meet the requirements of  
5 ~~subsection (1) subdivision (1)(a) or (b)~~ of section 60-3,122.04 or  
6 subsection (1) of section 60-4,189. The Department of Veterans' Affairs  
7 may adopt and promulgate rules and regulations governing the  
8 establishment and maintenance of the registry. The registry may be used  
9 to assist the department in carrying out the duties of the department and  
10 shall provide for the collection of sufficient information to identify an  
11 individual who qualifies for Military Honor Plates or a notation of  
12 "veteran" on his or her operator's license or state identification card  
13 issued by the Department of Motor Vehicles. The registry may include  
14 information such as identifying information on an individual, an  
15 individual's records on active duty or reserve duty in the armed forces  
16 of the United States, or an individual's status of active duty, reserve  
17 duty, retired, discharged, or other.

18 (2) Any resident of Nebraska who meets the requirements of  
19 ~~subsection (1) subdivision (1)(a) or (b)~~ of section 60-3,122.04 or  
20 subsection (1) of section 60-4,189 shall register with the Department of  
21 Veterans' Affairs using the registry created by this section before being  
22 eligible for Military Honor Plates or a notation of "veteran" on his or  
23 her operator's license or state identification card issued by the  
24 Department of Motor Vehicles. No person shall be deemed eligible until  
25 his or her status has been verified on the registry.

26 (3) The Department of Motor Vehicles may adopt and promulgate rules  
27 and regulations governing use of the registry of the Department of  
28 Veterans' Affairs for determination of eligibility for the issuance of  
29 Military Honor Plates or the notation of "veteran" on operators' licenses  
30 and state identification cards.

31 Sec. 4. This act becomes operative on January 1, 2018.

1 Sec. 5. Original section 80-414, Reissue Revised Statutes of  
2 Nebraska, and sections 60-3,122.03 and 60-3,122.04, Revised Statutes  
3 Cumulative Supplement, 2016, are repealed.

**LEGISLATIVE BILL 80.** Placed on Select File.

**LEGISLATIVE BILL 134.** Placed on Select File with amendment.  
ER2 is available in the Bill Room.

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**

Urban Affairs

**LEGISLATIVE BILL 315.** Placed on General File.**LEGISLATIVE BILL 159.** Placed on General File with amendment.

AM22

1 1. On page 2, line 4, after "district" insert "in a city of the  
2 metropolitan class".

**LEGISLATIVE BILL 317.** Placed on General File with amendment.

AM19

1 1. On page 2, line 4, strike "such city" and insert "city of the  
2 second class"; in line 10 after the second "and" insert "village"; and in  
3 line 22 after the first "and" insert "city" and after the second "and"  
4 insert "village".

(Signed) Justin Wayne, Chairperson

**MOTION - Adopt Permanent Rules**

The Harr amendment, found on page 336 and considered in this day's Journal, to the proposed rule change to Rule 5, Sec. 7, was renewed.

Senator Harr withdrew his amendment to the proposed rule change.

Senator Wayne offered his amendment, found on page 336, to the proposed rule change to Rule 3, Sec. 14.

Senator Wayne moved for a call of the house. The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

The Wayne amendment to the proposed rule change lost with 12 ayes, 29 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The Rules Committee renewed the proposed rule change, Proposed Rule Change 2, found on page 243 and considered on page 314 and in this day's Journal, to Rule 5, Sec. 7, as amended.

Senator Harr moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Howard requested a roll call vote on the proposed rule change.

Voting in the affirmative, 14:

Baker	Chambers	Hilgers	McDonnell	Walz
Blood	Crawford	Howard	Quick	Williams
Briese	Harr	Kolowski	Vargas	

Voting in the negative, 17:

Albrecht	Craighead	Groene	Krist	Watermeier
Bostelman	Ebke	Halloran	Lowe	
Brasch	Erdman	Hilkemann	Riepe	
Brewer	Geist	Hughes	Scheer	

Present and not voting, 12:

Bolz	Kolterman	Linehan	Schumacher
Friesen	Kuehn	McCollister	Wayne
Hansen	Lindstrom	Pansing Brooks	Wishart

Excused and not voting, 6:

Kintner	Morfeld	Smith
Larson	Murante	Stinner

The Rules Committee's proposed rule change, Proposed Rule Change 2, to Rule 5, Sec. 7, as amended, lost with 14 ayes, 17 nays, 12 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

## RESOLUTION(S)

**LEGISLATIVE RESOLUTION 22.** Introduced by Craighead, 6.

WHEREAS, Elizabeth "Kaitlyn" Fitzgerald was named the 120th Queen of Aksarben at the 2016 Aksarben Coronation and Scholarship Ball; and

WHEREAS, the coronation celebrates respect for education, the importance of community, and a desire to improve the collective quality of life in the Omaha area; and

WHEREAS, Kaitlyn's family has strong historic connections to the AKSARBEN Foundation and the Coronation and Scholarship Ball on both sides of her family dating back seven decades; and

WHEREAS, Kaitlyn is the daughter of William "Tate" and Denise Fitzgerald of Omaha. Her father is the Senior Vice President of Business Strategy and Portfolio Management for Mutual of Omaha Bank. Her mother, the former Denise Wenger, is a small business owner and

exemplary community member who volunteers at many organizations in the greater Omaha area; and

WHEREAS, Kaitlyn attends Parsons School of Design at The New School in New York City and plans to remain in New York after graduating to work under a designer and establish her own clothing brand.

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

1. That the Legislature congratulates Elizabeth "Kaitlyn" Fitzgerald on being named the 120th Queen of Aksarben.
2. That a copy of this resolution be sent to Kaitlyn.

Laid over.

**LEGISLATIVE RESOLUTION 23.** Introduced by Craighead, 6.

WHEREAS, the life of Dr. Jack K. Lewis, June 11, 1934 - June 20, 2016, was celebrated at a Service of Witness to the Resurrection; and

WHEREAS, Dr. Lewis practiced and loved medicine and cared for his patients for 56 years in Omaha; and

WHEREAS, Dr. Lewis worked for many years as the athletic physician for Central High School and the ring-side doctor for Golden Gloves tournaments; and

WHEREAS, the life of Dr. Lewis centered around his family, friends, and community; and

WHEREAS, Dr. Lewis served on numerous Omaha boards throughout his life and was an exemplary member of the greater Omaha community; and

WHEREAS, Dr. Lewis leaves behind his wife of 56 years, Kathy Lewis; his sister, Judy Bachman; his daughter, Cindy Liekhus (Leo); his sons, Todd Lewis (Brian) and John Lewis (Sage); his grandchildren, Jason Liekhus (Sammie), Eric Liekhus (Jessica), Lylah Lewis, Sterling Lewis, and Trapp Lewis; and his great-granddaughter, Avery Liekhus.

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

1. That the Legislature celebrates the extraordinary life of Dr. Jack K. Lewis.
2. That a copy of this resolution be sent to John Lewis, P.A.

Laid over.

**LEGISLATIVE RESOLUTION 24.** Introduced by Craighead, 6.

WHEREAS, Dr. Ken Bird was named the 120th King of Aksarben at the 2016 Aksarben Coronation and Scholarship Ball; and

WHEREAS, the coronation celebrates respect for education, the importance of community, and a desire to improve the collective quality of life in the Omaha area; and

WHEREAS, Dr. Bird served as superintendent of the Westside Community Schools for 16 years and now leads the Avenue Scholars Foundation; and

WHEREAS, Dr. Bird was named the 1998 Nebraska Superintendent of the Year and has received several professional awards, including the Nebraska Council of School Administrators Distinguished Service Award, the University of Nebraska-Lincoln Teachers College David W. Hutcheson Award for Distinguished Service to Education, the University of Nebraska-Omaha Department of Education Distinguished Alumni Award, the Friend of the Horace Mann League Award, the Educational Achievement Award from the Nebraska Alumni Association, and the Children's Hospital Marge Henningson Durham Leadership Award; and

WHEREAS, Dr. Bird was recognized by Creighton University with a Doctor of Humane Letters honoris causa in 2008; and

WHEREAS, Dr. Bird served and continues to serve on many boards and professional organizations in the community, state, and nation.

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

1. That the Legislature congratulates Dr. Ken Bird on being named the 120th King of Aksarben.
2. That a copy of this resolution be sent to Dr. Ken Bird.

Laid over.

**LEGISLATIVE RESOLUTION 25.** Introduced by Krist, 10.

PURPOSE: To study timeline, notification, and process requirements in the Rules of the Nebraska Unicameral Legislature for preparing and delivering fiscal notes in order to better serve the needs of senators and the public.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That such committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Room 1113

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

LB268

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

LB544 (cancel)

(Signed) Laura Ebke, Chairperson

**COMMITTEE REPORT(S)**  
Banking, Commerce and Insurance

**LEGISLATIVE BILL 17.** Placed on General File.

**LEGISLATIVE BILL 35.** Placed on General File.

**LEGISLATIVE BILL 138.** Placed on General File.

**LEGISLATIVE BILL 142.** Placed on General File.

(Signed) Brett Lindstrom, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Pansing Brooks name added to LB188.

Senator Blood name added to LB188.

Senator Quick name added to LB188.

Senator Brasch name added to LB188.

Senator McDonnell name added to LB188.

Senator Blood name added to LB500.

Senator Blood name added to LB497.

Senator McDonnell name added to LB404.

Senator McDonnell name added to LB107.

Senator Blood name added to LB107.

Senator Blood name added to LB284.

Senator Hansen name added to LB188.

Senator Hansen name added to LB107.

**MOTION(S) - Print in Journal**

Senator Bolz filed the following motion:

To reconsider the adoption of Proposed Rule Change 2.

**ADJOURNMENT**

At 12:05 p.m., on a motion by Senator Pansing Brooks, the Legislature adjourned until 9:00 a.m., Thursday, January 26, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTEENTH DAY - JANUARY 26, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 26, 2017

**PRAYER**

The prayer was offered by Senator Albrecht.

**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 Senator Kintner who was excused; and Senator Wishart who was excused until she arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifteenth day was approved.

**MOTION(S) - Print in Journal**

Senator McCollister filed the following motion to LB419:  
MO23  
Withdraw bill.

Senator Stinner filed the following motion to LB403:  
MO24  
Withdraw bill.

**NOTICE OF COMMITTEE HEARING(S)**

Revenue

Room 1524

Friday, February 10, 2017 1:30 p.m.

LB121  
LB169  
LB453

(Signed) Jim Smith, Chairperson

**EXECUTIVE BOARD REPORT**

January 25, 2017

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

Dear Patrick,

Today, the Executive Board met to determine appointments to a Special Investigative Committee regarding the Election Qualifications Challenge brought by John Sciara. Pursuant to Rule 10, Section 1, the committee must be comprised of an odd number of at least five members and have a chairperson who is appointed by the Executive Board.

Based on these requirements, the Board voted to appoint:

Senator Bolz  
Senator Crawford  
Senator Hughes  
Senator Kuehn  
Senator McCollister  
Senator Scheer  
Senator Watermeier, Chair

Please let me know if you have any questions.

Respectfully,  
(Signed) Senator Dan Watermeier  
Chair of the Executive Board

**MOTION(S) - Confirmation Report(s)**

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 322:

Game and Parks Commission  
Patrick Berggren  
Henry Rick Brandt  
James Ernst

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 5:

Geist	Krist	Kuehn	Watermeier	Wayne
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Excused and not voting, 2:

Kintner	Murante
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The appointments were confirmed with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 335:

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

Voting in the affirmative, 36:

Albrecht	Chambers	Hilkemann	Linehan	Vargas
Baker	Crawford	Howard	Lowe	Walz
Blood	Ebke	Hughes	McCollister	Williams
Bolz	Erdman	Kolowski	Morfeld	Wishart
Bostelman	Friesen	Kolterman	Pansing Brooks	
Brasch	Halloran	Krist	Quick	
Brewer	Hansen	Larson	Schumacher	
Briese	Harr	Lindstrom	Stinner	

Voting in the negative, 0.

Present and not voting, 8:

Geist	McDonnell	Scheer	Watermeier
Kuehn	Riepe	Smith	Wayne

Excused and not voting, 5:

Craighead      Groene      Hilgers      Kintner      Murante

The appointments were confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 336:

State Racing Commission  
Helen Abbott Feller

Voting in the affirmative, 33:

Albrecht	Briese	Halloran	Larson	Schumacher
Baker	Chambers	Hansen	Linehan	Vargas
Blood	Craighead	Harr	Lowe	Walz
Bolz	Crawford	Hilkemann	McCollister	Williams
Bostelman	Erdman	Hughes	Pansing Brooks	Wishart
Brasch	Friesen	Kolowski	Quick	
Brewer	Geist	Kolterman	Scheer	

Voting in the negative, 0.

Present and not voting, 12:

Ebke	Kuehn	Morfeld	Stinner
Howard	Lindstrom	Riepe	Watermeier
Krist	McDonnell	Smith	Wayne

Excused and not voting, 4:

Groene      Hilgers      Kintner      Murante

The appointment was confirmed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

#### **MOTION(S) - Withdraw LB667**

Senator Hilkemann offered his motion, MO22, found on page 343, to withdraw LB667.

The Hilkemann motion to withdraw the bill prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**NOTICE OF COMMITTEE HEARING(S)**  
Government, Military and Veterans Affairs

Room 1507

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

LB152  
LB624

(Signed) John Murante, Chairperson

Health and Human Services

Room 1510

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

LB481

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

LB59 (cancel)

(Signed) Merv Riepe, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 18A.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 18, One Hundred Fifth Legislature, First Session, 2017.

**MOTION - Adopt Permanent Rules**

The Hilgers motion to adopt the permanent rules for the One Hundred Fifth Legislature, First Session, and any special sessions held during the 2017 calendar year, found on page 303 and considered on pages 310, 312, 314, 343, and 348, as amended, was renewed.

Senator Bolz offered her motion, found on page 352, to reconsider the adoption of Proposed Rule Change 2, as amended.

Senator Harr moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Bolz motion to reconsider Proposed Rule Change 2, as amended, prevailed with 37 ayes, 5 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The Rules Committee's proposed rule change, Proposed Rule Change 2, found on page 243 and considered on pages 314, 343, and 348, to Rule 5, Sec. 7, as amended, was reconsidered.

The Rules Committee's proposed rule change, Proposed Rule Change 2, to Rule 5, Sec. 7, as amended, was adopted with 30 ayes, 7 nays, 10 present and not voting, and 2 excused and not voting.

Senator Harr offered his proposed rule change, found on page 336, to Rule 8, Sec. 5.

Senator Harr withdrew his proposed rule change, to Rule 8, Sec. 5.

Senator Hansen offered his proposed rule change, found on page 337, to Rule 3, Sec. 20(b).

Senator Chambers offered the following amendment to the Hansen proposed rule change to Rule 3, Sec. 20(b):

Amend Hansen Amendment #1

Strike "three-fifths vote" and insert "vote of twenty-six".

#### **SENATOR LINDSTROM PRESIDING**

Pending.

#### **NOTICE OF COMMITTEE HEARING(S)**

Nebraska Retirement Systems

Room 1510

Monday, February 27, 2017 4:30 p.m.

LB31

LB415

(Signed) Mark Kolterman, Chairperson

#### **AMENDMENT(S) - Print in Journal**

Senator Chambers filed the following amendments to LB46:

FA2

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6, 10 and 11 strike "Choose Life" and insert "Knowledge Is Power".

## FA3

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6, 10 and 11 strike "Choose Life" and insert "Rape Is No Laughing Matter".

## FA4

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6, 10 and 11 strike "Choose Life" and insert "No One Is Above The Law".

## FA5

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

## FA6

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6, 10 and 11 strike "Choose Life" and insert "Believe The Children".

## FA7

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6, 10 and 11 strike "Choose Life" and insert "Stamp Out Bullying".

## FA8

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6, 10 and 11 strike "Choose Life" and insert "End Domestic Violence".

## FA9

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6, 10 and 11 strike "Choose Life" and insert "Abolish Capital Punishment".

## FA10

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6, 10 and 11 strike "Choose Life" and insert "Believe In Yourself".

## FA11

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6, 10 and 11 strike "Choose Life" and insert "Treat Others As You Would Be Treated".

## FA12

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6, 10 and 11 strike "Choose Life" and insert "This Too Will Pass".

## FA13

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6, 10 and 11 strike "Choose Life" and insert "It Could Be Worse".

## FA14

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6 and 11 strike "Life" and insert "Freedom Of Choice".

## FA15

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6 and 11 strike "Life" and insert "Liberty And Justice For All".

## FA16

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6 and 11 strike "Life" and insert "Freedom, Justice, Equality".

## FA17

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6 and 11 strike "Life" and insert "Wisdom Over Riches".

## FA18

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6 and 11 strike "Life" and insert "Quality Education For All Children".

## FA19

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6 and 11 strike "Life" and insert "A Sound Mind In A Sound Body".

## FA20

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6 and 11 strike "Life" and insert "Peace".

## FA21

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6 and 11 strike "Life" and insert "Honest Officials".

## FA22

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6 and 11 strike "Life" and insert "Love And Happiness".



## FA23

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6 and 11 after "Life" insert ":End Capital Punishment".

## FA24

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6 and 11 after "Life" insert ":Liberty And Brotherhood".

## FA25

Page 2, line 5; page 7, line 7; page 11, lines 2, 4, 12, 16, 21, 24; page 12, lines 2, 10, 17, 20, 23, 26; page 13, lines 6 and 11 after "Life" insert ":Abolish The Death Penalty".

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Hansen name added to LB178.  
Senator McDonnell name added to LB178.  
Senator Blood name added to LB178.  
Senator Kolterman name added to LB188.  
Senator Lowe name added to LB666.  
Senator Craighead name added to LB58.  
Senator McDonnell name added to LB191.  
Senator McDonnell name added to LB289.  
Senator Morfeld name added to LB404.  
Senator Brewer name added to LB602.  
Senator Hilgers name added to LB46.

**VISITOR(S)**

The Doctor of the Day was Dr. Steven Poertner from Omaha.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Friday, January 27, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTEENTH DAY - JANUARY 27, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 27, 2017

**PRAYER**

The prayer was offered by Pastor Nathan Henschen, St. Paul's Lutheran Church, Bancroft.

**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 Senator Kintner who was excused; and Senators McCollister, Morfeld, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixteenth day was approved.

**NOTICE OF COMMITTEE HEARING(S)**

Business and Labor

Room 2102

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

LB305

LB372

(Signed) Joni Albrecht, Chairperson

**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>

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 26, 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

Amack, Angela K.  
Jensen Rogert Associates, Inc.

Ayers, Brad  
TransCanada

Christian, Brad  
ABATE of Nebraska, Inc.

Eash, Matthew  
Nebraska School Finance Strategies, Inc.

Fellers, Trent  
Reform for Nebraska's Future

Hall, Jared  
Nebraska Friends of Midwives

Heartland Strategy Group, LLC  
TransCanada

Jensen Rogert Associates, Inc.  
American Massage Therapy Association, Nebraska Chapter

Kelley Plucker, LLC  
Omaha Exposition and Racing, Inc.

Kelley, Michael A.  
Kelley Governmental Relations, LLC  
Kelley Plucker, LLC

Kelley, Sean  
Kelley Governmental Relations, LLC  
Kelley Plucker, LLC

Klute, Anne M. N.  
Associated Builders and Contractors, Inc.

Matheson, Michael D  
Americans For Electricity Choice

Mueller Robak  
Nebraska Council of School Administrators  
Uber Technologies, Inc.

Pappas, James E.  
Independent Cattlemen of Nebraska (ICON)

Plucker, Julia  
Kelley Plucker, LLC

Radcliffe, Walter H. of Radcliffe and Associates  
Fonner Race Course  
Nebraska Horsemen's Benevolent and Protective Association  
North Central States Unit of the National Association of Theatre Owners, Inc.

Torpy, Katie  
Nature Conservancy, The  
Wetzel, Jason  
General Motors LLC  
Winston, Kenneth C.  
Bold Alliance, Inc.

**COMMITTEE REPORT(S)**  
Appropriations

**LEGISLATIVE BILL 22.** Placed on General File with amendment.  
AM13 is available in the Bill Room.

(Signed) John Stinner, Chairperson

**MOTION(S) - Withdraw LB403**

Senator Stinner offered his motion, MO24, found on page 353, to withdraw  
LB403.

Pending.

**NOTICE OF COMMITTEE HEARING(S)**  
Agriculture

Room 2102

Tuesday, February 14, 2017 1:30 p.m.

LB449  
LB499

Tuesday, February 21, 2017 1:30 p.m.

LB617

(Signed) Lydia Brasch, Chairperson

Health and Human Services

Room 1510

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

LB534

Friday, February 10, 2017 1:30 p.m.

LB287  
LB506  
LB430

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

LB323

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

LB360 (cancel)

(Signed) Merv Riepe, Chairperson

**ANNOUNCEMENT(S)**

Senator Hughes announced the Natural Resources Committee will meet Wednesday, March 1, 2017, at 9:15 a.m. instead of 1:30 p.m. in Room 1525.

**NOTICE OF COMMITTEE HEARING(S)**  
Transportation and Telecommunications

Room 1113

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

LB54  
LB368  
LB83  
LB275  
LB310

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

LB351  
LB294  
LB263  
LB143  
LB355

(Signed) Curt Friesen, Chairperson

Revenue

Room 1524

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

LB215  
LB325  
LB601

(Signed) Jim Smith, Chairperson

Executive Board

Room 2102

Monday, February 13, 2017 12:00 p.m.

LB653

Monday, February 6, 2017 12:00 p.m.

LB646  
LB648

(Signed) Dan Watermeier, Chairperson

**COMMITTEE REPORT(S)**  
Natural Resources

**LEGISLATIVE BILL 182.** Placed on General File.

(Signed) Dan Hughes, Chairperson

Executive Board

**LEGISLATIVE BILL 6.** Placed on General File with amendment.  
AM38

- 1 1. On page 2, strike lines 16 through 20 and insert the following
- 2 new subsection:
- 3 "(3)(a) A summarized final report based on an investigation may be
- 4 publicly released in order to bring awareness to systemic issues.
- 5 (b) Such report shall be released only:
- 6 (i) After a disclosure is made to the appropriate chairperson or
- 7 chairpersons pursuant to subsection (2) of this section; and
- 8 (ii) If a determination is made by the Inspector General with the
- 9 appropriate chairperson that doing so would be in the best interest of
- 10 the public.
- 11 (c) If there is disagreement about whether releasing the report

12 would be in the best interest of the public, the chairperson of the  
 13 Executive Board of the Legislative Council may be asked to make the final  
 14 decision."

**LEGISLATIVE BILL 207.** Placed on General File with amendment.  
 AM23

1 1. On page 5, lines 5 through 7, strike the new matter and insert "  
 2 Any fees associated with counsel present under this section shall not be  
 3 the responsibility of the office of Inspector General of Nebraska Child  
 4 Welfare".

(Signed) Dan Watermeier, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 26.** Introduced by Vargas, 7.

WHEREAS, Latinx Nebraskans are the fastest-growing demographic in Nebraska. Latinx Nebraskans currently make up ten percent of the state's population, and this percentage is projected to double by 2050; and

WHEREAS, in 2006, the Legislature passed LB239, which allowed young immigrants who grew up and were educated in Nebraska and lived in the state for at least three years and who were seeking opportunities in higher education to qualify for in-state tuition; and

WHEREAS, in 2012, President Obama implemented Deferred Action for Childhood Arrivals, commonly referred to as DACA, which allowed young immigrants who entered the United States as children through no choice of their own the opportunity to receive a renewable two-year period of deferred action from deportation and eligibility for a work permit; and

WHEREAS, in 2015, the Legislature passed LB623, which allowed young immigrants who grew up and were educated in Nebraska to obtain drivers' licenses so they could have the opportunity to continue to live and work in Nebraska; and

WHEREAS, in 2016, the Legislature passed LB947, which allowed young immigrants who grew up and were educated in Nebraska to obtain professional and commercial licenses so they could continue to live and work in Nebraska and contribute more fully to and share equally in the state's prosperity; and

WHEREAS, through these legislative measures, the Legislature has continued to affirm Nebraska's support for DACA youth who have grown up in Nebraska communities and call Nebraska home; and

WHEREAS, through these legislative measures, the Legislature has recognized that DACA youth are important members of Nebraska communities that were brought here as children through no choice of their own; and

WHEREAS, President Trump has stated that he will rescind DACA, which puts the future of DACA youth in Nebraska at risk.



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

1. That the Legislature stands by the educational, economic, and community investments that the people of Nebraska have made in these young immigrants and their families.

2. That the Legislature stands opposed to any federal action that would rescind Deferred Action for Childhood Arrivals or result in additional restrictions that would act as barriers to the continued contributions of these young immigrants and their families to Nebraska communities and the people of Nebraska.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR26 was referred to the Reference Committee.

#### **MOTION(S) - Withdraw LB403**

Senator Stinner renewed his motion, MO24, found on page 353 and considered in this day's Journal, to withdraw LB403.

Senator Krist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Senator Krist moved for a call of the house. The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Senator Krist requested a roll call vote on the motion to withdraw the bill.

Voting in the affirmative, 40:

Albrecht	Crawford	Hilkemann	Lowe	Scheer
Baker	Erdman	Howard	McCollister	Schumacher
Blood	Friesen	Kolowski	McDonnell	Stinner
Bostelman	Geist	Kolterman	Morfeld	Vargas
Brasch	Groene	Krist	Murante	Walz
Brewer	Halloran	Kuehn	Pansing Brooks	Wayne
Briese	Hansen	Lindstrom	Quick	Williams
Craighead	Hilgers	Linehan	Riepe	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 8:

Bolz	Harr	Kintner	Smith
Ebke	Hughes	Larson	Watermeier

The Stinner motion to withdraw the bill prevailed with 40 ayes, 0 nays, 1 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO25

Reconsider the vote taken to withdraw the bill.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 34:

Albrecht	Ebke	Hilgers	Lowe	Vargas
Baker	Erdman	Hilkemann	McCollister	Walz
Bostelman	Friesen	Kolterman	McDonnell	Watermeier
Brasch	Geist	Krist	Pansing Brooks	Wayne
Brewer	Groene	Larson	Riepe	Williams
Briese	Halloran	Lindstrom	Schumacher	Wishart
Craighead	Hansen	Linehan	Stinner	

Present and not voting, 3:

Crawford	Howard	Morfeld
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Absent and not voting, 1:

Scheer

Excused and not voting, 10:

Blood	Harr	Kintner	Kuehn	Quick
Bolz	Hughes	Kolowski	Murante	Smith

The Chambers motion to reconsider failed with 1 aye, 34 nays, 3 present and not voting, 1 absent and not voting, and 10 excused and not voting.

The Chair declared the call raised.

**MOTION(S) - Withdraw LB419**

Senator McCollister offered his motion, MO23, found on page 353, to withdraw LB419.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Pending.

The Chair declared the call raised.

**EASE**

The Legislature was at ease from 12:10 p.m. until 12:45 p.m.

**MOTION(S) - Withdraw LB419**

Senator McCollister renewed his motion, MO23, found on page 353 and considered in this day's Journal, to withdraw LB419.

Senator Bostelman moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Pending.

The Chair declared the call raised.

**MOTION - Adjournment**

Senator Chambers moved to adjourn until 10:00 a.m., Monday, January 30, 2017.

Senator Chambers requested a machine vote on the motion to adjourn.

The Chambers motion to adjourn failed with 1 aye, 24 nays, 12 present and not voting, and 12 excused and not voting.

**MOTION(S) - Withdraw LB419**

Senator McCollister renewed his motion, MO23, found on page 353 and considered in this day's Journal, to withdraw LB419.

Pending.

**MOTION - Adopt Temporary Rules**

Senator Scheer moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the twenty-fourth legislative day.

Senator Scheer moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Scheer requested a machine vote on the adoption of the temporary rules.

The motion to adopt temporary rules prevailed with 43 ayes, 0 nays, and 6 excused and not voting.

The Chair declared the call raised.

**NOTICE OF COMMITTEE HEARING(S)**

Executive Board

Room 2102

Wednesday, February 8, 2017 12:00 p.m.

LB530

LB539

(Signed) Dan Watermeier, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Pansing Brooks filed the following amendment to LB46:  
AM52

- 1 1. Insert the following new sections:
- 2 Sec. 10. (1) The department shall design license plates to be known
- 3 as End Rape Culture License Plates. The department shall create designs
- 4 reflecting support for ending rape culture and supporting the victims of
- 5 rape in Nebraska. The design shall be selected on the basis of limiting
- 6 the manufacturing cost of each plate to an amount less than or equal to
- 7 the amount charged for license plates pursuant to section 60-3,102. The
- 8 department shall make applications available for this type of plate
- 9 beginning January 1, 2018. The department may adopt and promulgate rules
- 10 and regulations to carry out this section and section 11 of this act.
- 11 (2) One type of End Rape Culture License Plates shall be
- 12 alphanumeric plates. The department shall:
- 13 (a) Assign a designation up to five characters; and
- 14 (b) Not use a county designation.
- 15 (3) One type of End Rape Culture License Plates shall be
- 16 personalized message plates. Such plates shall be issued subject to the
- 17 same conditions specified for personalized message license plates in

18 section 60-3.118, except that a maximum of five characters may be used.  
19 Sec. 11. (1) Beginning January 1, 2018, a person may apply to the  
20 department for End Rape Culture License Plates in lieu of regular license  
21 plates on an application prescribed and provided by the department for  
22 any motor vehicle or trailer, except for a motor vehicle or trailer  
23 registered under section 60-3.198. An applicant receiving an End Rape  
24 Culture License Plate for a farm truck with a gross weight of over  
25 sixteen tons or a commercial truck or truck-tractor with a gross weight  
26 of five tons or over shall affix the appropriate tonnage decal to the  
27 plate. The department shall make forms available for such applications  
1 through the county treasurers. The license plates shall be issued upon  
2 payment of the license fee described in subsection (2) of this section.  
3 (2)(a) In addition to all other fees required for registration under  
4 the Motor Vehicle Registration Act, each application for initial issuance  
5 of alphanumeric End Rape Culture License Plates shall be accompanied by a  
6 fee of five dollars. An application for renewal of such plates shall be  
7 accompanied by a fee of five dollars. County treasurers collecting fees  
8 pursuant to this subdivision shall remit them to the State Treasurer. The  
9 State Treasurer shall credit five dollars of the fee to the Nebraska  
10 Child Abuse Prevention Fund.  
11 (b) In addition to all other fees required for registration under  
12 the Motor Vehicle Registration Act, each application for initial issuance  
13 or renewal of personalized message End Rape Culture License Plates shall  
14 be accompanied by a fee of forty dollars. County treasurers collecting  
15 fees pursuant to this subdivision shall remit them to the State  
16 Treasurer. The State Treasurer shall credit twenty-five percent of the  
17 fee for initial issuance and renewal of such plates to the Department of  
18 Motor Vehicles Cash Fund and seventy-five percent of the fee to the  
19 Nebraska Child Abuse Prevention Fund.  
20 (3) When the department receives an application for End Rape Culture  
21 License Plates, the department shall deliver the plates to the county  
22 treasurer of the county in which the motor vehicle or trailer is  
23 registered. The county treasurer shall issue End Rape Culture License  
24 Plates in lieu of regular license plates when the applicant complies with  
25 the other provisions of the Motor Vehicle Registration Act for  
26 registration of the motor vehicle or trailer. If End Rape Culture License  
27 Plates are lost, stolen, or mutilated, the licensee shall be issued  
28 replacement license plates upon request pursuant to section 60-3.157.  
29 (4) The owner of a motor vehicle or trailer bearing End Rape Culture  
30 License Plates may apply to the county treasurer to have such plates  
31 transferred to a motor vehicle other than the vehicle for which such  
1 plates were originally purchased if such vehicle is owned by the owner of  
2 the plates. The owner may have the unused portion of the fee for the  
3 plates credited to the other vehicle which will bear the plates at the  
4 rate of eight and one-third percent per month for each full month left in  
5 the registration period. Application for such transfer shall be  
6 accompanied by a fee of three dollars. Fees collected pursuant to this  
7 subsection shall be remitted to the State Treasurer for credit to the  
8 Department of Motor Vehicles Cash Fund.  
9 (5) If the cost of manufacturing End Rape Culture License Plates at  
10 any time exceeds the amount charged for license plates pursuant to

- 11 section 60-3,102, any money to be credited to the Nebraska Child Abuse  
 12 Prevention Fund shall instead be credited first to the Highway Trust Fund  
 13 in an amount equal to the difference between the manufacturing costs of  
 14 End Rape Culture License Plates and the amount charged pursuant to  
 15 section 60-3,102 with respect to such plates and the remainder shall be  
 16 credited to the Nebraska Child Abuse Prevention Fund.  
 17 2. On page 2, line 6, after the comma insert "the fees for End Rape  
 18 Culture License Plates as provided in section 11 of this act."; and in  
 19 line 26 strike "and 9" and insert "to 11".  
 20 3. On page 3, lines 14 and 21; and page 6, line 2, strike "section  
 21 9 and insert "sections 9 and 11".  
 22 4. On page 7, after line 14 insert the following new subdivision:  
 23 "(11) End Rape Culture License Plates issued pursuant to sections 10  
 24 and 11 of this act."; and renumber the remaining subdivisions  
 25 accordingly.  
 26 5. On page 11, line 2, before the comma insert ". End Rape Culture  
 27 License Plates".  
 28 6. Renumber the remaining section accordingly.

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Riepe name added to LB425.  
 Senator Crawford name added to LB230.  
 Senator Crawford name added to LB464.  
 Senator Krist name added to LB553.  
 Senator Pansing Brooks name added to LB438.  
 Senator Kolterman name added to LB506.

#### **VISITOR(S)**

Visitors to the Chamber were Brian Kruse, Douglas County Election Commissioner; Kent Jake Greeder of the Buffalo County Board of Supervisors, Kearney; and Polly Olson, Deuel County Clerk.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

#### **ADJOURNMENT**

At 1:32 p.m., on a motion by Senator Ebke, the Legislature adjourned until 10:00 a.m., Monday, January 30, 2017.

Patrick J. O'Donnell  
 Clerk of the Legislature

**EIGHTEENTH DAY - JANUARY 30, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 30, 2017

**PRAYER**

The prayer was offered by Reverend Gregg Gahan, Craig-Alder Grove Parish, Craig.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Friesen, Larson, Lindstrom, Smith, and Wayne who were excused until they arrive.

**SENATOR WATERMEIER PRESIDING****CORRECTIONS FOR THE JOURNAL**

The Journal for the seventeenth day was approved.

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 20.** Placed on General File.

**LEGISLATIVE BILL 63.** Placed on General File.

**LEGISLATIVE BILL 234.** Placed on General File.

(Signed) Jim Smith, Chairperson

Judiciary

**LEGISLATIVE BILL 105.** Placed on General File.

**LEGISLATIVE BILL 146.** Placed on General File.

**LEGISLATIVE BILL 167.** Placed on General File.

**LEGISLATIVE BILL 180.** Placed on General File.

**LEGISLATIVE BILL 229.** Placed on General File.

**LEGISLATIVE BILL 350.** Placed on General File.

(Signed) Laura Ebke, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Room 1113

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

LB168  
LB204  
LB359  
LB492  
LB544

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

LB243  
LB245  
LB250  
LB258

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

LB165  
LB173  
LB192

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

LB178  
LB191  
LB289  
LB394

Friday, February 24, 2017 2:00 p.m.

LB188  
LB300  
LB367  
LB411

Wednesday, March 1, 2017 9:15 a.m.

LB478  
LB500  
LB558



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

LB201  
LB259  
LB440  
LB505

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

LB444  
LB577  
LB623  
LB638

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

LB67  
LB434  
LB516  
LB656  
LB658

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

LB501  
LB520  
LB556  
LB637  
LB666

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

LB405  
LB435  
LB450  
LB487  
LB622

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

LB526  
LB527  
LB529

Friday, March 17, 2017 2:00 p.m.

LB491

(Signed) Laura Ebke, Chairperson

**MOTION(S) - Overrule Speaker's Agenda**

Senator Chambers moved to change the Speaker's order to consider my motions to rereference three bills [LB644 (MO18), LB595 (MO19), LB661 (MO20)] - which motions were filed January 24 and printed in the Journal at pages 332, 333.

Senator Chambers moved for a call of the house. The motion prevailed with 34 ayes, 3 nays, and 11 not voting.

Senator Chambers requested a roll call vote on the motion to overrule the Speaker's Agenda.

Voting in the affirmative, 0.

Voting in the negative, 42:

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

Present and not voting, 4:

Baker	Chambers	Howard	Kolowski
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Excused and not voting, 2:

Larson	Lindstrom
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The Chambers motion to overrule the Speaker's Agenda failed with 0 ayes, 42 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers moved to reconsider the vote on the motion to overrule the Speaker's Agenda.

Senator Chambers requested a record vote on the motion to reconsider.

Voting in the affirmative, 4:

Chambers	Kolowski	Morfeld	Quick
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Voting in the negative, 27:

Albrecht	Crawford	Halloran	Lowe	Watermeier
Baker	Ebke	Hansen	Scheer	Williams
Blood	Erdman	Hilgers	Schumacher	Wishart
Bostelman	Friesen	Hilkemann	Smith	
Brasch	Geist	Lindstrom	Stinner	
Brewer	Groene	Linehan	Walz	

Present and not voting, 14:

Bolz	Howard	Kuehn	Murante	Vargas
Briese	Hughes	McCollister	Pansing Brooks	Wayne
Harr	Krist	McDonnell	Riepe	

Excused and not voting, 3:

Craighead      Kolterman      Larson

The Chambers motion to reconsider failed with 4 ayes, 27 nays, 14 present and not voting, and 3 excused and not voting.

### **GENERAL FILE**

**LEGISLATIVE BILL 119.** Title read. Considered.

**SPEAKER SCHEER PRESIDING**

Pending.

### **NOTICE OF COMMITTEE HEARING(S)**

Banking, Commerce and Insurance

Room 1507

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

LB220  
LB406  
LB384  
LB476

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

LB257  
LB549  
LB208

(Signed) Brett Lindstrom, Chairperson

General Affairs

Room 1510

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

LB631  
LB470  
LB541

(Signed) Tyson Larson, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 27.** Introduced by Bolz, 29; Crawford, 45; Hansen, 26; Howard, 9; Kolowski, 31; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Vargas, 7; Wishart, 27.

WHEREAS, the United States of America was built by people from all over the world; and

WHEREAS, Nebraska communities were founded and established by people of a wide variety of races, ethnicities, ages, religions, and backgrounds; and

WHEREAS, refugees serve our military and diplomatic interests and work, volunteer, and contribute to Nebraska communities every day; and

WHEREAS, organizations in our state including Catholic Charities and Lutheran Family Services work to help resettle refugees in this state; and

WHEREAS, many refugees have earned green cards and call this country home, and others have been shown, through extensive vetting, to bear good will toward our nation; and

WHEREAS, refugees include people fleeing war and oppression and include children and families in need of safety.

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

1. That the members of the Legislature believe in protecting refugees regardless of race, ethnicity, religion, age, or sex and appreciate their contributions to this state.

Laid over.

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR27 was referred to the Reference Committee.

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 38.** Placed on General File.

**LEGISLATIVE BILL 101.** Placed on General File.

(Signed) John Murante, Chairperson

**MOTION(S) - Print in Journal**

Senator Chambers filed the following motion to LB119:

MO26

Indefinitely postpone.

**VISITOR(S)**

Visitors to the Chamber were 35 members of the Nebraska Home Care Association; and Adrian Suarez from Omaha.

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Morfeld, the Legislature adjourned until 9:00 a.m., Tuesday, January 31, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**NINETEENTH DAY - JANUARY 31, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 31, 2017

**PRAYER**

The prayer was offered by Senator Brasch.

**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 Larson who was excused; and Senators Craighead, Hansen, and Kolowski who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighteenth day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 19 and 20 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 19 and 20.

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Room 1113

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

LB487 (cancel)

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

LB487

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

LB526 (cancel)

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

LB526

(Signed) Laura Ebke, Chairperson

Government, Military and Veterans Affairs

Room 1507

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

Mitch Glidden - Nebraska Tourism Commission  
Roger Dixon - Nebraska Tourism Commission  
Tony Moody - Nebraska Tourism Commission  
Carol Schlegel - Nebraska Tourism Commission  
Mary Shanahan - State Personnel Board  
LB222  
LB655

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

LB280  
LB661

Friday, February 10, 2017 1:30 p.m.

LB628

(Signed) John Murante, Chairperson

Banking, Commerce and Insurance

Room 1507

Monday, February 13, 2017 1:30 p.m.

LB480  
LB92  
LB474  
LB72



Tuesday, February 14, 2017 1:30 p.m.

LB375  
LB341  
LB454  
LB96

(Signed) Brett Lindstrom, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 119.** Senator Chambers offered his motion, MO26, found on page 381, to indefinitely postpone.

**SENATOR WATERMEIER PRESIDING**

Senator Chambers withdrew his motion to indefinitely postpone.

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 22.** Title read. Considered.

Committee AM13, found on page 365, was offered.

Senator Krist offered the following amendment to the committee amendment:

AM104

(Amendments to Standing Committee amendments, AM13)

- 1 1. On page 6, strike lines 3, 4, 16, 17, and 30.
- 2 2. On page 7, strike lines 1, 13, 14, 26, and 27.
- 3 3. On page 8, strike lines 9, 10, 22, and 23.
- 4 4. On page 82, strike lines 16 and 17.

**SPEAKER SCHEER PRESIDING**

**SENATOR LINDSTROM PRESIDING**

Senator Krist withdrew and refiled his amendment, AM104, found in this day's Journal.

**SPEAKER SCHEER PRESIDING**

Pending.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 28.** Introduced by McDonnell, 5.

**PURPOSE:** The purpose of this resolution is to research how this state and each of its ninety-three counties handle, process, and test sexual assault evidence collection kits and to determine how to best address any backlog or other delays in processing and testing sexual assault evidence. In order to carry out the purposes of this resolution, the study committee should seek the assistance and input of health care professionals, law enforcement, the office of the Attorney General, the office of Inspector General of the Nebraska Correctional System, the office of Inspector General of Nebraska Child Welfare, county officials, and victim advocates.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 29.** Introduced by Pansing Brooks, 28.

WHEREAS, James Louis "Louie" LaRose, a proud citizen of the Ho-Chunk Nation, resides on the Winnebago Reservation within the boundaries this state; and

WHEREAS, Mr. LaRose is also a proud citizen of this state; and

WHEREAS, Mr. LaRose has devoted the majority of his years in service to the welfare and governance of the Ho-Chunk people as both a member and the president and chair of the Winnebago Tribal Council and the Board of Trustees of the Little Priest Tribal College, as a delegate to the National Congress of American Indians, and as the conservator of the tribe's bison herd; and

WHEREAS, with his gentle wit and profound wisdom, Mr. LaRose has for many years enlightened Nebraskans regarding native history, culture, and issues; and

WHEREAS, Mr. LaRose has given of his time to this state as a member of Nebraska's Commission on Indian Affairs and in other services relating to the improvement and preservation of respect and good relations between this state and the native nations residing within the borders of Nebraska and neighboring states; and

WHEREAS, Mr. LaRose resigned from the commission and retired from active service on Friday, January 27, 2017.

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

1. That the Legislature wishes James Louis "Louie" LaRose good health and thanks him for his service and devotion to the Ho-Chunk people.
2. That a copy of this resolution be sent to Mr. LaRose.

Laid over.

**COMMITTEE REPORT(S)**  
Natural Resources

**LEGISLATIVE BILL 154.** Placed on General File.  
**LEGISLATIVE BILL 176.** Placed on General File.

(Signed) Dan Hughes, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Government, Military and Veterans Affairs

Room 1507

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

LB652  
LB497  
LB340

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

LB369  
LB237  
LB382

(Signed) John Murante, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 180A.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 180, One Hundred Fifth Legislature, First Session, 2017.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Chambers name added to LB167.

Senator Linehan name added to LB576.  
Senator Harr name added to LB645.  
Senator Harr name added to LB553.  
Senator McCollister name added to LB553.  
Senator McDonnell name added to LR27.  
Senator Quick name added to LR27.  
Senator Blood name added to LB438.  
Senator Crawford name added to LB438.

**WITHDRAW - Cointroducer(s)**

Senator McDonnell name withdrawn from LB607.

**VISITOR(S)**

Visitors to the Chamber were Black Hills Energy employees from across the state.

The Doctor of the Day was Dr. Dan Rosenquist from Columbus.

**ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Hansen, the Legislature adjourned until 9:00 a.m., Wednesday, February 1, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTIETH DAY - FEBRUARY 1, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 1, 2017

**PRAYER**

The prayer was offered by Pastor Sandy Denton, Unadilla Christian Church, Unadilla.

**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 Senators Groene, Kuehn, and McCollister who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the nineteenth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR26	Judiciary
LR27	Judiciary

(Signed) Dan Watermeier, Chairperson  
Executive Board

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 119.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Room 1113

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

LB67 (cancel)  
LB434 (cancel)  
LB516 (cancel)  
LB656 (cancel)  
LB658 (cancel)

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

LB67  
LB434  
LB516  
LB656  
LB658

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

LB501 (cancel)  
LB520 (cancel)  
LB556 (cancel)  
LB637 (cancel)  
LB666 (cancel)

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

LB501  
LB520  
LB556  
LB637  
LB666

(Signed) Laura Ebke, Chairperson

**GENERAL FILE****LEGISLATIVE BILL 22.** Senator Krist offered the following motion:

MO27

Recommit to the Appropriations Committee.

Senator Chambers offered the following motion:

MO28

Bracket until April 1, 2017.

**SENATOR LINDSTROM PRESIDING**

Senator Chambers moved for a call of the house.

Senator Krist requested a record vote on the motion to place the house under call.

Voting in the affirmative, 33:

Albrecht	Ebke	Kolowski	Morfeld	Stinner
Baker	Geist	Kolterman	Pansing Brooks	Vargas
Blood	Groene	Krist	Quick	Walz
Brasch	Hansen	Kuehn	Riepe	Williams
Chambers	Hilkemann	Linehan	Scheer	Wishart
Craighead	Howard	McCollister	Schumacher	
Crawford	Hughes	McDonnell	Smith	

Voting in the negative, 2:

Erdman          Halloran

Present and not voting, 12:

Bolz	Briese	Hilgers	Lowe
Bostelman	Friesen	Larson	Watermeier
Brewer	Harr	Lindstrom	Wayne

Excused and not voting, 1:

Murante

The motion to place the house under call prevailed with 33 ayes, 2 nays, 12 present and not voting, and 1 excused and not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 46:

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

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Murante

The Chambers motion to bracket failed with 0 ayes, 46 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 30.** Introduced by Kolterman, 24.

WHEREAS, Hunter Ellis Miller, a member of Troop 241 out of Stromsburg, met the requirements for the rank of Eagle Scout on October 13, 2016; and

WHEREAS, to achieve the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills; and

WHEREAS, Hunter completed twenty-two merit badges and participated in summer camps at Camp Cornhusker, Camp Cedars, and Camp Augustine; and

WHEREAS, Hunter also met the requirements to be an Ordeal member in the Order of the Arrow; and

WHEREAS, Hunter's Eagle Scout Service Project involved the design and construction of a nine-hole disc golf course in Stromsburg's Buckley Park; and

WHEREAS, Hunter plans to study civil engineering at the University of Nebraska-Lincoln and play football for the Cornhuskers; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and



WHEREAS, Hunter, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Hunter Ellis Miller on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Hunter Ellis Miller.

Laid over.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 10A.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 10, One Hundred Fifth Legislature, First Session, 2017; to provide an operative date; and to declare an emergency.

### **COMMITTEE REPORT(S)**

Urban Affairs

**LEGISLATIVE BILL 130.** Placed on General File.

**LEGISLATIVE BILL 304.** Placed on General File.

**LEGISLATIVE BILL 399.** Placed on General File.

**LEGISLATIVE BILL 383.** Placed on General File with amendment.

AM49

- 1 1. On page 9, strike lines 27 through 31 and insert the following
- 2 new subsection:
- 3 "(4) A regular or alternate member of the planning commission may
- 4 hold any other municipal office except (a) mayor, (b) a member of the
- 5 city council or village board of trustees, (c) a member of any community
- 6 redevelopment authority or limited community redevelopment authority
- 7 created under section 18-2102.01, or (d) a member of any citizen advisory
- 8 review committee created under section 18-2715.".

(Signed) Justin Wayne, Chairperson

### **AMENDMENT(S) - Print in Journal**

Senator Krist filed the following amendment to LB22:

AM135

(Amendments to Standing Committee amendments, AM13)

- 1 1. On page 6, strike lines 3, 4, 16, 17, and 30.

- 2 2. On page 7, strike lines 1, 13, 14, 26, and 27.
- 3 3. On page 8, strike lines 9, 10, 22, and 23.
- 4 4. On page 9, strike lines 15, 16, 28, and 29.
- 5 5. On page 10, strike lines 12, 13, 25, and 26.
- 6 6. On page 11, strike lines 8 and 9.
- 7 7. On page 12, strike lines 7, 8, 18, and 19.
- 8 8. On page 13, strike lines 10 and 11.
- 9 9. On page 15, strike lines 29 and 30.
- 10 10. On page 16, strike lines 13 and 14.
- 11 11. On page 18, strike lines 12 and 13.
- 12 12. On page 45, strike lines 11 and 12.
- 13 13. On page 46, strike lines 3, 4, 15, and 16.
- 14 14. On page 47, strike lines 27 and 28.
- 15 15. On page 48, strike lines 8 and 9.
- 16 16. On page 49, strike lines 1 and 2.
- 17 17. On page 50, strike lines 3, 4, 19, and 20.
- 18 18. On page 51, strike lines 3, 4, 25, and 26.
- 19 19. On page 58, strike lines 7 and 8.
- 20 20. On page 59, strike lines 5 and 6.
- 21 21. On page 67, strike lines 9 and 10.
- 22 22. On page 68, strike lines 27 and 28.
- 23 23. On page 69, strike lines 8 and 9.
- 24 24. On page 70, strike lines 12 and 13.
- 25 25. On page 71, strike lines 7 and 8.
- 26 26. On page 78, strike lines 10 and 11.
- 1 27. On page 79, strike lines 28 and 29.
- 2 28. On page 80, strike lines 10 and 11.
- 3 29. On page 81, strike lines 9 and 10.
- 4 30. On page 82, strike lines 16 and 17.
- 5 31. On page 85, strike lines 27 and 28.
- 6 32. On page 87, strike lines 3 and 4.
- 7 33. On page 88, strike lines 13, 14, 28, and 29.
- 8 34. On page 90, strike lines 11 and 12.
- 9 35. On page 103, strike lines 26 and 27.
- 10 36. On page 104, strike line 30.
- 11 37. On page 105, strike lines 1, 14, 15, 27, and 28.
- 12 38. On page 106, strike lines 15 and 16.
- 13 39. On page 109, strike lines 2 and 3.

#### **MOTION(S) - Print in Journal**

Senator Chambers filed the following motion to LB22:  
MO29

Reconsider the vote taken to bracket.

#### **ANNOUNCEMENT**

Senator Brasch announced the Agriculture Committee will hold an executive session Thursday, February 2, 2017, at 8:45 a.m., in Room 2022.

**VISITOR(S)**

Visitors to the Chamber were Alice and William Tines from Venango; and 16 seventh- through twelfth-grade students and teachers of FCSTN and FCCLA from across the state.

The Doctor of the Day was Dr. Douglas States from North Platte.

**ADJOURNMENT**

At 11:49 a.m., on a motion by Senator Kolterman, the Legislature adjourned until 9:00 a.m., Thursday, February 2, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-FIRST DAY - FEBRUARY 2, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 2, 2017

**PRAYER**

The prayer was offered by Senator Geist.

**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 Senators Bolz, Hansen, Linehan, and McCollister who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twentieth day was approved.

**COMMITTEE REPORT(S)**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 137.** Placed on General File.

**LEGISLATIVE BILL 148.** Placed on General File.

**LEGISLATIVE BILL 187.** Placed on General File.

**LEGISLATIVE BILL 231.** Placed on General File.

**LEGISLATIVE BILL 239.** Placed on General File.

**LEGISLATIVE BILL 306.** Placed on General File.

**LEGISLATIVE BILL 241.** Placed on General File with amendment.

AM100

1 1. On page 2, line 14, strike "44-914, 44-915, and 44-916" and

2 insert "44-913 to 44-915".

(Signed) Brett Lindstrom, Chairperson

Business and Labor

**LEGISLATIVE BILL 273.** Placed on General File.

**LEGISLATIVE BILL 301.** Placed on General File.

**LEGISLATIVE BILL 519.** Placed on General File.

(Signed) Joni Albrecht, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Banking, Commerce and Insurance

Room 1507

Tuesday, February 21, 2017 1:30 p.m.

LB194  
LB286  
LB386

Monday, February 27, 2017 1:30 p.m.

LB324  
LB604

Tuesday, February 28, 2017 1:30 p.m.

LB116  
LB66  
LB213  
LB643

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

LB141  
LB345  
LB641

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

LB550  
LB559  
LB582

Monday, March 13, 2017 1:30 p.m.

LB292  
LB551  
LB594

(Signed) Brett Lindstrom, Chairperson

## Business and Labor

## Room 2102

Monday, February 13, 2017 1:30 p.m.

LB639  
LB515  
LB518  
LB261

Monday, February 27, 2017 1:30 p.m.

LB354  
LB211  
LB244  
LB553  
LB507

(Signed) Joni Albrecht, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 22.** Senator Chambers asked unanimous consent to withdraw his motion, MO29, found on page 394, to reconsider the vote taken to bracket. No objections. So ordered.

Senator Krist renewed his motion, MO27, found on page 390, to recommit to the Appropriations Committee.

**SENATOR WATERMEIER PRESIDING**

Pending.

**AMENDMENT(S) - Print in Journal**

Senator Krist filed the following amendment to LB22:  
AM151

(Amendments to Standing Committee amendments, AM13)

- 1 1. Strike sections 17, 18, 19, 20, 21, 22, 23, and 122.
- 2 2. On page 111, line 30, strike "11, 12, 13, 14, 15, 16, 17,".
- 3 3. On page 112, line 7, strike "Laws 2016, LB746A, section 3;".
- 4 4. Renumber the remaining sections and correct internal references
- 5 accordingly.

**NOTICE OF COMMITTEE HEARING(S)**  
Transportation and Telecommunications

Room 1113

Monday, February 13, 2017 1:30 p.m.

LB157  
LB522  
LB523  
LB573  
LB654

Tuesday, February 14, 2017 1:30 p.m.

LB618  
LB70  
LB410  
LB459  
LB460

Tuesday, February 21, 2017 2:00 p.m.

LB156  
LB43  
LB483  
LB389  
LB472  
LB612

Monday, February 27, 2017 1:30 p.m.

LB40  
LB41  
LB42  
LB279  
LB471

Tuesday, February 28, 2017 1:30 p.m.

LB627  
LB629  
LB587  
LB82  
LB357

(Signed) Curt Friesen, Chairperson



## Business and Labor

## Room 2102

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

LB609  
LB408  
LB319  
LB147

Monday, March 13, 2017 1:30 p.m.

LB420  
LB473  
LB436

Monday, March 20, 2017 1:30 p.m.

LB171  
LB170  
LB503  
LB598

(Signed) Joni Albrecht, Chairperson

**COMMITTEE REPORT(S)**  
Executive Board

**LEGISLATIVE BILL 210.** Placed on General File with amendment.  
AM113

1 1. On page 2, after line 14, insert the following new subdivision:  
2 "(4) At the beginning of each biennial legislative session, the  
3 Legislative Auditor shall create a plan for meeting such standards and  
4 provide the plan to the chairperson of the Legislative Performance Audit  
5 Committee.".

**LEGISLATIVE BILL 230.** Placed on General File with amendment.  
AM129

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. (1) The Legislature finds and declares that economic  
4 development is vitally important to the well-being of the State of  
5 Nebraska, and that the Legislature and the state would benefit from a  
6 more coordinated approach to legislation addressing economic development.  
7 (2) The Nebraska Economic Development Task Force is created. The  
8 task force shall collaborate with the Department of Economic Development  
9 and the Department of Labor to gather input on issues pertaining to  
10 economic development and discuss proactive approaches on economic

11 development. The task force shall monitor analysis and policy development  
 12 in all aspects of economic development in Nebraska. The task force shall  
 13 also discuss long-range strategic plans to improve economic development  
 14 within the state.

15 (3) The Nebraska Economic Development Task Force shall be composed  
 16 of three members of the Legislature appointed by the Executive Board of  
 17 the Legislative Council, one from each congressional district, and the  
 18 following six members: The chairperson of the Appropriations Committee of  
 19 the Legislature or his or her designee, the chairperson of the Banking,  
 20 Commerce and Insurance Committee of the Legislature or his or her  
 21 designee, the chairperson of the Business and Labor Committee of the  
 22 Legislature or his or her designee, the chairperson of the Education  
 23 Committee of the Legislature or his or her designee, the chairperson of  
 24 the Revenue Committee of the Legislature or his or her designee, and the  
 25 chairperson of the Urban Affairs Committee of the Legislature or his or  
 26 her designee. The task force members shall choose a chairperson and vice-  
 27 chairperson from among the task force members.

1 (4)(a) The Nebraska Economic Development Task Force shall meet on or  
 2 before June 15, 2017, and on or before each June 15 thereafter.

3 (b) Following the meeting required by subdivision (4)(a) of this  
 4 section, the task force shall meet not less than once every three months,  
 5 but shall not be required to meet while the Legislature is in session.

6 (c) Meetings of the task force shall be called by the chairperson.

7 (d) The task force may ask other persons or entities to attend its  
 8 meetings or present information at such meetings.

9 (e) The task force shall annually identify economic development  
 10 priorities and electronically submit a report to the Legislature on or  
 11 before December 31, 2017, and on or before each December 31 thereafter.

12 (5) This section shall terminate on January 1, 2021.

13 Sec. 2. Since an emergency exists, this act takes effect when  
 14 passed and approved according to law.

(Signed) Dan Watermeier, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 89.** Placed on General File with amendment.  
 AM63

1 1. Insert the following new section:

2 Sec. 3. Section 35-507, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:

4 35-507 A regular meeting of the registered voters who are residing  
 5 within the boundaries of a district shall be held at the time of the  
 6 budget hearing as provided by the Nebraska Budget Act, and special  
 7 meetings may be called by the board of directors at any time. Notice of a  
 8 meeting shall be given by the secretary-treasurer by one publication in a  
 9 legal newspaper of general circulation in each county in which such  
 10 district is situated. Notice of the place and time of a meeting shall be  
 11 published at least four calendar ~~five~~ days prior to the date set for

12 meeting. For purposes of such notice, the four calendar days shall  
13 include the day of publication but not the day of the meeting.  
14 2. Renumber the remaining section and correct the repealer  
15 accordingly.

(Signed) John Murante, Chairperson

Revenue

**LEGISLATIVE BILL 161.** Placed on General File with amendment.  
AM141

1 1. On page 4, line 15, strike "twenty" and insert "sixteen".

**LEGISLATIVE BILL 233.** Placed on General File with amendment.  
AM127

1 1. Strike original sections 3, 4, 12, 16, and 17.  
2 2. On page 30, lines 19 and 20, strike "77-2503, 77-2506,".  
3 3. Renumber the remaining sections accordingly.

(Signed) Jim Smith, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 22.** Senator Chambers offered the following  
motion:

MO30

Bracket until April 1, 2017.

**SPEAKER SCHEER PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with  
27 ayes, 1 nay, and 20 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 46:

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

Excused and not voting, 1:

Pansing Brooks

The Chambers motion to bracket failed with 1 aye, 46 nays, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

### COMMITTEE REPORT(S)

Executive Board

**LEGISLATIVE BILL 464.** Placed on General File with amendment.  
AM99

- 1 1. Strike original sections 1 and 2.
- 2 2. On page 4, strike beginning with the comma in line 27 through the
- 3 comma in line 29 and show the old matter as stricken.
- 4 3. Amend the repealer and renumber the remaining sections
- 5 accordingly.

(Signed) Dan Watermeier, Chairperson

Business and Labor

**LEGISLATIVE BILL 264.** Placed on General File with amendment.  
AM57

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 48-721, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 48-721 (1) The commissioner shall employ ~~appoint~~ a state boiler
- 6 inspector who shall work under the direct supervision of the commissioner
- 7 or his or her designee and devote his or her full time to the duties of
- 8 the office. The person so appointed shall:
- 9 (a) Be ~~(1) be~~ a practical boilermaker, technical engineer, operating
- 10 engineer, or boiler inspector;

11 ~~(b) Hold an "AI" or "IS" Commission and hold a commission~~ from the  
 12 National Board of Boiler and Pressure Vessel Inspectors ~~with an "A"~~  
 13 ~~endorsement.~~ The state boiler inspector shall also either hold a "B" ~~and~~  
 14 ~~"R" endorsements~~ endorsement to his or her commission at the time of hire  
 15 or acquire such endorsements a "B" endorsement within eighteen months of  
 16 employment.

17 ~~(c) Be appointment, (2) be~~ qualified by not less than ten years'  
 18 experience in the construction, installation, repair, inspection, or  
 19 operation of boilers, steam generators, and superheaters;

20 ~~(d) Have, (3) have~~ a knowledge of ~~the their~~ operation and use of  
 21 ~~boilers, steam generators, and superheaters~~ for the generating of steam  
 22 for power, heating, or other purposes; ; and

23 ~~(e) Neither (4) neither~~ directly nor indirectly be interested in the  
 24 manufacture, ownership, or agency of boilers, steam generators, and  
 25 superheaters the same.

26 (2) The commissioner may hire appoint deputy inspectors as necessary  
 27 to carry out the Boiler Inspection Act. Deputy inspectors shall hold an  
 1 "IS" Commission a commission from the National Board of Boiler and  
 2 Pressure Vessel Inspectors or acquire the same within twelve months of  
 3 hire appointment. Such deputy inspectors shall otherwise be subject to  
 4 and governed by the same rules and regulations applicable to and  
 5 governing the acts and conduct of the state boiler inspector.

6 (3) Before entering upon his or her duties under the Boiler  
 7 Inspection Act, the state boiler inspector and each deputy inspector  
 8 shall be bonded or insured as required by section 11-201.

9 Sec. 2. Original section 48-721, Reissue Revised Statutes of  
 10 Nebraska, is repealed.

(Signed) Joni Albrecht, Chairperson

#### VISITOR(S)

Visitors to the Chamber were 75 Physical Therapy students with the  
 Nebraska Physical Therapy Association, Omaha.

#### ADJOURNMENT

At 11:54 a.m., on a motion by Senator Baker, the Legislature adjourned  
 until 9:00 a.m., Friday, February 3, 2017.

Patrick J. O'Donnell  
 Clerk of the Legislature



**TWENTY-SECOND DAY - FEBRUARY 3, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 3, 2017

**PRAYER**

The prayer was offered by Monsignor Daniel Seiker, St. Gregory the Great Seminary, Seward.

**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 Senators Bolz, Brewer, Ebke, Kolowski, Murante, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-first day was approved.

**NOTICE OF COMMITTEE HEARING(S)**

General Affairs

Room 1510

Monday, February 13, 2017 1:30 p.m.

LB632  
LB254  
LB73

(Signed) Tyson Larson, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 2, 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

Anderson, Linda  
Bold Alliance, Inc.

Bocour, Nicola  
Americans for Responsible Solutions

Brubaker, Steve  
The Small Businesses of Fantasy Sports Trade Association

Bruning Law Group  
Altria Client Services LLC and its Affiliates  
Coalition for Ethical Petroleum Marketing  
Vigilant Solutions

Bunger, Charles K.  
North Platte Area Chamber & Development Corporation

Davis, Jeffrey N.  
Burlington Northern Sante Fe (BNSF) Railway Company

Hein, Derek  
DraftKings Inc.

Hilton, Felicia  
North Central States Regional Council of Carpenters

Kissel/E&S Associates, LLC  
CenturyLink

Malik, Meghan  
Women's Fund of Greater Omaha, Inc.

Meckler, Mark  
Convention of States Action

Neuhaus, Joe  
Lincoln Independent Business Association (LIBA)

Ostrow, Sean  
FanDuel, Inc.

Pappas, James E.  
League of Human Dignity

Pollock, Andy  
Families Against Mandatory Minimums

Radcliffe, Walter H. of Radcliffe and Associates  
Speedway Motors, Inc.

Winston, Kenneth C.  
Cavanaugh Law Firm, P.C., L.L.O.

Woepfel, Ed  
Nebraska Cooperative Council

Zulkoski Weber LLC  
Nebraska Emergency Medical Services Association



**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 22, 23, and 24 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 22, 23, and 24.

**GENERAL FILE**

**LEGISLATIVE BILL 22.** Senator Krist withdrew his motion, MO27, found on page 390 and considered on page 399, to recommit to the Appropriations Committee.

Senator Krist withdrew his amendment, AM135, found on page 393.

Committee AM13, found on page 365 and considered on page 385, was renewed.

Senator Krist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 42 ayes, 1 nay, and 5 not voting.

The committee amendment was adopted with 46 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 46 ayes, 1 nay, and 1 excused and not voting.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 31.** Introduced by Watermeier, 1.

WHEREAS, Betty Stukenholtz was born on March 12, 1938, in Nebraska City, Nebraska; and

WHEREAS, Betty worked for Congressman Phil Weaver in Washington D.C., served as the Deputy State Treasurer under Frank Marsh, and worked for the University of Nebraska-Lincoln; and

WHEREAS, Betty bought and saved the country school she attended, the Harmony School just south of Nebraska City in Otoe County; and

WHEREAS, Betty started the Nebraska Country School Association; and

WHEREAS, Betty worked tirelessly on the first Annual Country School Conference in July 2016 at Peru State College with nearly 100 people in attendance; and

WHEREAS, Betty left a remarkable legacy that her family wishes to carry forward; and

WHEREAS, Betty Stukenholtz passed away on January 14, 2017.

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

1. That the Legislature recognizes the contributions and service of Betty Stukenholtz and extends its deepest sympathy to her family.
2. That the Legislature acknowledges the time and effort Betty Stukenholtz dedicated to country schools, especially in founding and organizing the first Annual Country School Conference.
3. That a copy of this resolution be sent to the family of Betty Stukenholtz.

Laid over.

#### **MOTION - Adopt Permanent Rules**

The Hilgers motion to adopt the permanent rules for the One Hundred Fifth Legislature, First Session, and any special sessions held during the 2017 calendar year, found on page 303 and considered on pages 310, 312, 314, 343, 348, and 357, as amended, was renewed.

The Hansen proposed rule change found on page 337 and considered on page 358, to Rule 3, Sec. 20(b), was renewed.

Senator Chambers renewed his amendment, found on page 358, to the Hansen proposed rule change, to Rule 3, Sec. 20(b).

#### **PRESIDENT FOLEY PRESIDING**

Pending.

#### **NOTICE OF COMMITTEE HEARING(S)** Health and Human Services

Room 1510

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

LB311  
LB358

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

LB298

LB179  
LB297

Friday, February 24, 2017 1:30 p.m.

LB588

Friday, February 24, 2017 1:30 p.m.

Mary Beth Hanus - Nebraska Child Abuse Prevention Fund Board (rehearing)

Wednesday, March 1, 2017 9:15 a.m.

LB344  
LB343

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

LB224  
LB537

Friday, March 3, 2017 5:30 p.m.

LB391  
LB466

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

LB282  
LB441

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

LB596

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

LB120  
LB578

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

LB360  
LB439

Friday, March 17, 2017 1:30 p.m.

LB649  
LB552

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

LB128

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

LB223

LB586

(Signed) Merv Riepe, Chairperson

### COMMITTEE REPORT(S)

Agriculture

The Agriculture 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.

Dennis Hoffman - Nebraska State Fair Board

Aye: 6 Albrecht, Blood, Brasch, Chambers, Halloran, Lowe. Nay: 0.  
Absent: 2 Harr, Krist. Present and not voting: 0.

**LEGISLATIVE BILL 135.** Placed on General File.

**LEGISLATIVE BILL 276.** Placed on General File with amendment.

AM50

1 1. On page 3, lines 3 and 4, strike "or threatening to violate"; in  
2 line 6 strike "or is about to occur"; in line 12 strike "or are about to  
3 occur"; and in line 13 strike "or threatened violations".

(Signed) Lydia Brasch, Chairperson

### MOTION - Adopt Permanent Rules

Senator Chambers renewed his amendment, found on page 358 and considered in this day's Journal, to the Hansen proposed rule change, to Rule 3, Sec. 20(b).

Senator Chambers withdrew his amendment.

Pending.

### VISITOR(S)

Visitors to the Chamber were Senator Albrecht's husband, Mike, from Thurston; Senator Williams' son-in-law, Luke Rickertsen, from Gothenburg; members of the American Legion, Veterans of Foreign War, Disabled American Veterans, Paralyzed Veterans of America, Military Order of the

Purple Heart, American Veterans, and the Nebraska Association of Veterans Advocates from across the state; and former Senator Carol Hudkins from Malcolm.

The Doctor of the Day was Dr. Jacob Peterson from Omaha.

**ADJOURNMENT**

At 12:06 p.m., on a motion by Senator Larson, the Legislature adjourned until 10:00 a.m., Monday, February 6, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-THIRD DAY - FEBRUARY 6, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**TWENTY-THIRD DAY**

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

**PRAYER**

The prayer was offered by Senator Blood.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senator Kolterman who was excused; and Senators Albrecht, Brasch, Briese, Erdman, Larson, Smith, Vargas, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-second day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 22.** Placed on Select File with amendment.

ER4

1 1. In the Standing Committee amendments, AM13:

2 a. On page 2, line 2, after "FY2016-17" insert an underscored comma;

3 and in line 6 after "Legislature" insert an underscored comma;

4 b. Renumber sections 122, 123, and 124 as 124, 122, and 123,

5 respectively;

6 c. On page 110, insert underscoring beginning with "LIMITATION" in

7 line 15 through line 30; and

8 d. On page 111, lines 1 through 27, insert underscoring.

9 2. On page 1, strike beginning with "Laws" in line 1 through "1" in

10 line 14 and insert "Laws 2015, LB259A, section 2; Laws 2015, LB265A,

11 section 1; Laws 2015, LB469A, section 1; Laws 2015, LB605A, section 8;

12 Laws 2015, LB657, sections 11, 12, 13, 14, 15, 16, 17, 19, 21, 25, 26,

13 27, 28, 29, 34, 38, 39, 44, 51, 53, 54, 55, 56, 58, 64, 67, 68, 71, 80,

14 83, 84, 85, 90, 94, 95, 97, 99, 100, 101, 107, 108, 112, 113, 114, 119,

15 126, 127, 129, 131, 133, 134, 136, 137, 138, 139, 140, 145, 150, 152,

16 153, 154, 155, 163, 166, 167, 169, 174, 175, 178, 179, 188, 191, 192,  
 17 194, 195, 202, 204, 211, 213, 216, 218, 219, 221, 223, 224, 226, 232,  
 18 233, 234, 235, 237, 238, 239, 240, 241, 242, 244, 245, 247, 249, 256, and  
 19 260; Laws 2015, LB659, sections 7, 15, and 17; Laws 2015, LB660, sections  
 20 35 and 40; Laws 2016, LB746A, section 3; Laws 2016, LB956, sections 7,  
 21 10, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 55, 56, 61,  
 22 62, 63, 65, and 67; and Laws 2016, LB1038A, section 1".

(Signed) Anna Wishart, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
 Health and Human Services

Room 1510

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

LB88  
 LB342  
 LB402

(Signed) Merv Riepe, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Bostelman filed the following amendment to LB263:  
 AM156

1 1. Insert the following new sections:

2 Sec. 9. If the owner does not have a certificate of title for a  
 3 vehicle manufactured more than thirty years prior to application for a  
 4 certificate of title which has not had any major component part replaced,  
 5 the department shall search its records and any records readily  
 6 accessible to the department for evidence of issuance of a certificate of  
 7 title for such vehicle at the request of the owner. If no certificate of  
 8 title has been issued, the owner may apply for a certificate of title  
 9 indicating that the year, make, and model of the vehicle is that  
 10 originally designated by the manufacturer by presenting a notarized bill  
 11 of sale, an affidavit in support of the application for title, and a  
 12 statement that an inspection has been conducted on the vehicle.  
 13 Sec. 10. For each certificate of title issued by the department  
 14 under section 9 of this act, the fee shall be twenty-five dollars, which  
 15 shall be remitted to the State Treasurer for credit to the Department of  
 16 Motor Vehicles Cash Fund.

17 Sec. 12. Section 60-149, Revised Statutes Cumulative Supplement,  
 18 2016, is amended to read:

19 60-149 (1)(a) If a certificate of title has previously been issued  
 20 for a vehicle in this state, the application for a new certificate of  
 21 title shall be accompanied by the certificate of title duly assigned  
 22 except as otherwise provided in the Motor Vehicle Certificate of Title



23 Act.

24 (b) Except for manufactured homes or mobile homes as provided in  
25 subsection (2) of this section, if a certificate of title has not  
26 previously been issued for the vehicle in this state or if a certificate  
27 of title is unavailable pursuant to subsection (4) of section 52-1801,

1 the application shall be accompanied by:

2 (i) A manufacturer's or importer's certificate except as otherwise  
3 provided in subdivision (vii) of this subdivision;

4 (ii) A duly certified copy of the manufacturer's or importer's  
5 certificate;

6 (iii) An affidavit by the owner affirming ownership in the case of  
7 an all-terrain vehicle, a utility-type vehicle, or a minibike;

8 (iv) A certificate of title from another state;

9 (v) A court order issued by a court of record, a manufacturer's  
10 certificate of origin, or an assigned registration certificate, if the  
11 law of the state from which the vehicle was brought into this state does  
12 not have a certificate of title law;

13 (vi) Documentation prescribed in section 60-142.01, 60-142.02,  
14 60-142.04, ~~or 60-142.05~~, or section 9 of this act; or

15 (vii) A manufacturer's or importer's certificate and an affidavit by  
16 the owner affirming ownership in the case of a minitruck.

17 (c) If the application for a certificate of title in this state is  
18 accompanied by a valid certificate of title issued by another state which  
19 meets that state's requirements for transfer of ownership, then the  
20 application may be accepted by this state.

21 (d) If a certificate of title has not previously been issued for the  
22 vehicle in this state and the applicant is unable to provide such  
23 documentation, the applicant may apply for a bonded certificate of title  
24 as prescribed in section 60-167.

25 (2)(a) If the application for a certificate of title for a  
26 manufactured home or a mobile home is being made in accordance with  
27 subdivision (4)(b) of section 60-137 or if the certificate of title for a  
28 manufactured home or a mobile home is unavailable pursuant to section  
29 52-1801, the application shall be accompanied by proof of ownership in  
30 the form of:

31 (i) A duly assigned manufacturer's or importer's certificate;

1 (ii) A certificate of title from another state;

2 (iii) A court order issued by a court of record;

3 (iv) Evidence of ownership as provided for in section 30-24,125,  
4 52-601.01 to 52-605, 60-1901 to 60-1911, or 60-2401 to 60-2411; or

5 (v) Assessment records for the manufactured home or mobile home from  
6 the county assessor and an affidavit by the owner affirming ownership.

7 (b) If the applicant cannot produce proof of ownership described in  
8 subdivision (a) of this subsection, he or she may submit to the  
9 department such evidence as he or she may have, and the department may  
10 thereupon, if it finds the evidence sufficient, issue the certificate of  
11 title or authorize the county treasurer to issue a certificate of title,  
12 as the case may be.

13 (3) For purposes of this section, certificate of title includes a

14 salvage certificate, a salvage branded certificate of title, or any other  
 15 document of ownership issued by another state or jurisdiction for a  
 16 salvage vehicle. Only a salvage branded certificate of title shall be  
 17 issued to any vehicle conveyed upon a salvage certificate, a salvage  
 18 branded certificate of title, or any other document of ownership issued  
 19 by another state or jurisdiction for a salvage vehicle.

20 (4) The county treasurer shall retain the evidence of title  
 21 presented by the applicant and on which the certificate of title is  
 22 issued.

23 2. On page 8, line 1, strike "(a)".

24 3. On page 9, after line 26, insert the following new subdivision:

25 "(e) The department shall issue certificates of title pursuant to  
 26 section 9 of this act. Application for a certificate of title shall be  
 27 made upon a form prescribed by the department. All applications shall be  
 28 accompanied by the appropriate fee or fees.".

29 4. Renumber the remaining sections, correct internal references, and  
 30 amend the repealer accordingly.

### MESSAGE(S) FROM THE GOVERNOR

February 2, 2017

Mr. President, Speaker Scheer  
 and Members of the Legislature  
 State Capitol  
 Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being  
 reappointed to the Nebraska Rural Health Advisory Commission:

Dr. Brian Buhlke, 2606 28th Street, Central City, NE 68826  
 Martin Fattig, 73091 643A Avenue, Auburn, NE 68305  
 Jessye Goertz, 79483 Highway 2, Berwyn, NE 68814

Contingent upon your approval, the following individuals are being  
 appointed to the Nebraska Rural Health Advisory Commission:

Benjamin R. Iske, D.D.S., 7625 Road 123, Broadwater, NE 69125  
 April Dexter, 84866 477 Street, Amelia, NE 68711

The aforementioned appointees are respectfully submitted for your  
 consideration. Copies of the certificates and background information are  
 included for your review.

(Signed) Sincerely,  
 Pete Ricketts  
 Governor

Enclosures

**MOTION - Adopt Permanent Rules**

The Hilgers motion to adopt the permanent rules for the One Hundred Fifth Legislature, First Session, and any special sessions held during the 2017 calendar year, found on page 303 and considered on pages 310, 312, 314, 343, 348, 357, 410, and 412, as amended, was renewed.

The Hansen proposed rule change found on page 337 and considered on pages 358, 410, and 412, to Rule 3, Sec. 20(b), was renewed.

Senator Chambers offered the following amendment to the Hansen proposed rule change to Rule 3, Sec. 20(b):

Strike "three-fifths vote" and insert "vote of twenty-seven".

Senator Chambers withdrew his amendment.

Senator Hansen withdrew his proposed rule change to Rule 3, Sec. 20(b).

Senator Hansen withdrew his proposed rule change, found on page 337, to Rule 3, Sec. 18.

Senator Larson offered the following proposed rule change to Rule 7, Sec. 10:

**Amend Rule 7, Sec. 10**

**Sec. 10. Cloture.** At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for cloture to the presiding officer; however, the presiding officer may rule such motion for cloture out of order if, in the presiding officer's opinion, a full and fair debate has not been afforded. Such ruling by the presiding officer shall not be subject to challenge. Whenever a motion for cloture is offered, the presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. ~~A vote on the cloture motion shall be taken immediately. A two-thirds majority of the elected members shall be required for the cloture motion to be successful.~~ A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the presiding officer rules that cloture is invoked, a motion to continue debate may then be offered by any member, and is not debatable. Two-fifths of the elected members shall be required for the motion to continue debate to be successful. The vote on the motion to continue debate shall be taken immediately, without debate. If the motion for cloture is successful, If the vote on the motion to continue debate fails, or if no motion to continue debate is made, then a vote on the pending matter shall be taken immediately, without debate. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided, then the vote shall be on the original

undivided amendment being considered. Finally, a vote on the advancement of the bill shall be taken.

A motion for cloture shall have precedence over all other motions except a motion to recess or adjourn.

A motion for cloture which fails for lack of sufficient votes shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture shall not be in order until two additional hours of debate on the bill has occurred. If the presiding officer rejects a motion for cloture on a bill due to lack of full and fair debate, successive motions for cloture on the bill may be offered at any time.

Senator Larson asked unanimous consent to withdraw his proposed rule change, found in this day's Journal, and replace it with his substitute proposed rule change.

#### **Amend Rule 7, Sec. 10**

**Sec. 10. Cloture.** At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for cloture to the presiding officer; however, the presiding officer may rule such motion for cloture out of order if, in the presiding officer's opinion, a full and fair debate has not been afforded. Such ruling by the presiding officer shall not be subject to challenge. Whenever a motion for cloture is offered, the presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the cloture motion shall be taken immediately, which shall require a majority of the elected members, and shall not prevail if two-fifths of the elected members are voting in the negative. ~~A two-thirds majority of the elected members shall be required for the cloture motion to be successful.~~ A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the pending matter shall be taken immediately, without debate. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered. Finally, a vote on the advancement of the bill shall be taken.

A motion for cloture shall have precedence over all other motions except a motion to recess or adjourn.

A motion for cloture which fails for lack of sufficient votes shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture shall not be in order until two additional hours of debate on the bill has occurred. If the

presiding officer rejects a motion for cloture on a bill due to lack of full and fair debate, successive motions for cloture on the bill may be offered at any time.

Senator Morfeld objected.

Senator Larson moved to withdraw his proposed rule change, found in this day's Journal, and replace it with his substitute proposed rule change, found in this day's Journal.

Pending.

**NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Monday, February 13, 2017 1:30 p.m.

Chad W. Buckendahl - Technical Advisory Committee for Statewide Assessment  
Gwenn Aspen - Coordinating Commission for Postsecondary Education  
LB608

(Signed) Mike Groene, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, February 14, 2017 1:30 p.m.

William Ashburn - Motor Vehicle Industry Licensing Board

(Signed) Curt Friesen, Chairperson

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 81.** Placed on General File.

**LEGISLATIVE BILL 100.** Placed on General File.

**LEGISLATIVE BILL 293.** Placed on General File.

**LEGISLATIVE BILL 321.** Placed on General File.

**LEGISLATIVE BILL 349.** Placed on General File.

**LEGISLATIVE BILL 371.** Placed on General File.

(Signed) Laura Ebke, Chairperson

## Transportation and Telecommunications

**LEGISLATIVE BILL 177.** Placed on General File.

**LEGISLATIVE BILL 271.** Placed on General File.

**LEGISLATIVE BILL 86.** Placed on General File with amendment.

AM33

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

2 Section 1. Section 39-810, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 39-810 (1)(a) The county board of each county may erect and repair  
5 all bridges and approaches thereto and build all culverts and make  
6 improvements on roads, including the purchase of gravel for roads, and  
7 stockpile any materials to be used for such purposes, the cost and  
8 expense of which shall for no project exceed one hundred thousand  
9 dollars.

10 (b) All contracts for the erection or repair of bridges and  
11 approaches thereto or for the building of culverts and improvements on  
12 roads, the cost and expense of which shall exceed one hundred thousand  
13 dollars, shall be let by the county board to the lowest responsible  
14 bidder.

15 (c) All contracts for materials for repairing, erecting, and  
16 constructing bridges and approaches thereto or culverts or for the  
17 purchase of gravel for roads, the cost and expense of which exceed twenty  
18 thousand dollars, shall be let to the lowest responsible bidder, but the  
19 board may reject any and all bids submitted for such materials.

20 (d) Upon rejection of any bid or bids by the board of such a county,  
21 such board shall have power and authority to purchase materials to  
22 repair, erect, or construct the bridges of such county, approaches  
23 thereto, or culverts or to purchase gravel for roads.

24 (e) All contracts for bridge erection or repair, approaches thereto,  
25 culverts, or road improvements in excess of twenty thousand dollars shall  
26 require individual cost-accounting records on each individual project.  
27 The total costs of each such separate project shall be included in the  
1 annual reports to the Board of Public Roads Classifications and Standards  
2 as required by section 39-2120.

3 (2)(a) Except as otherwise provided in subdivision (b) of this  
4 subsection, all ~~all~~ bids for the letting of contracts shall be deposited  
5 with the county clerk of such a county, opened by him or her in the  
6 presence of the county board, and filed in such clerk's office.

7 (b) In a county with a population of more than one hundred fifty  
8 thousand inhabitants with a purchasing agent under section 23-3105, the  
9 bids shall be opened as directed pursuant to section 23-3111.

**LEGISLATIVE BILL 164.** Placed on General File with amendment.

AM4

1 1. On page 31, line 16, strike ". For", show as stricken, and insert

2 "and for"; in line 19 after "records" insert ". For bulk record requests

3 of multiple motor vehicle, trailer, motorboat, all-terrain vehicle,

4 utility-type vehicle, snowmobile, or minibike titles and registrations;  
5 and in line 21 after "records" insert an underscored comma.

(Signed) Curt Friesen, Chairperson

Judiciary

**LEGISLATIVE BILL 93.** Placed on General File with amendment.  
AM121

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

3 Section 1. Sections 1 to 9 of this act shall be known and may be  
4 cited as the Automatic License Plate Reader Privacy Act.

5 Sec. 2. For purposes of the Automatic License Plate Reader Privacy  
6 Act:

7 (1) Alert means data held by the Department of Motor Vehicles, each  
8 criminal justice information system maintained in this state, the Federal  
9 Bureau of Investigation National Crime Information Center, the Federal  
10 Bureau of Investigation Kidnappings and Missing Persons list, the Missing  
11 Persons Information Clearinghouse established under section 29-214.01,  
12 and license plate numbers that have been manually entered into the  
13 automatic license plate reader system upon a law enforcement officer's  
14 determination that the vehicles or individuals associated with the  
15 license plate numbers are relevant and material to an ongoing criminal or  
16 missing persons investigation;

17 (2) Automatic license plate reader system means one or more mobile  
18 or fixed automated high-speed cameras used in combination with computer  
19 algorithms to convert images of license plates into computer-readable  
20 data;

21 (3) Captured plate data means global positioning system coordinates,  
22 date and time information, photographs, license plate numbers, and any  
23 other data captured by or derived from any automatic license plate reader  
24 system;

25 (4) Governmental entity means a department or agency of this state,  
26 the federal government, another state, or a political subdivision or an  
27 individual acting for or as an agent of any of such entities; and

1 (5) Secured area means a place, enclosed by clear boundaries, to  
2 which access is limited and not open to the public and into which entry  
3 is only obtainable through specific access-control points.

4 Sec. 3. (1) Except as otherwise provided in this section or in  
5 section 4 of this act, the use of an automatic license plate reader  
6 system by a governmental entity is prohibited.

7 (2) An automatic license plate reader system may be used when such  
8 use is:

9 (a) By a law enforcement agency of a governmental entity for the  
10 purpose of identifying:

11 (i) Outstanding parking or traffic violations;

12 (ii) An unregistered or uninsured vehicle;

13 (iii) A vehicle in violation of the vehicle equipment requirements

14 set forth under the Nebraska Rules of the Road;  
15 (iv) A vehicle in violation of any other vehicle registration  
16 requirement;  
17 (v) A vehicle registered to an individual for whom there is an  
18 outstanding warrant;  
19 (vi) A vehicle associated with a missing person;  
20 (vii) A vehicle that has been reported as stolen; or  
21 (viii) A vehicle that is relevant and material to an ongoing  
22 criminal investigation;  
23 (b) By a parking enforcement entity for regulating the use of a  
24 parking facility;  
25 (c) For the purpose of controlling access to a secured area;  
26 (d) For the purpose of electronic toll collection; or  
27 (e) To assist weighing stations in performing their duties under  
28 section 60-1301.  
29 Sec. 4. (1) A government entity shall not retain captured plate  
30 data obtained under subsection (2) of section 3 of this act for more than  
31 sixty days unless the captured plate data is:  
1 (a) Evidence related to a purpose listed in subsection (2) of  
2 section 3 of this act;  
3 (b) Subject to a preservation request under subsection (1) of  
4 section 5 of this act; or  
5 (c) The subject of a warrant, subpoena, or court order.  
6 (2) Any governmental entity that uses automatic license plate reader  
7 systems pursuant to subsection (2) of section 3 of this act must update  
8 such systems from the data bases used by the governmental entities  
9 enumerated in such subsection at the beginning of each law enforcement  
10 agency shift if such updates are available.  
11 (3) Any governmental entity that uses automatic license plate reader  
12 systems pursuant to subsection (2) of section 3 of this act may manually  
13 query captured plate data only when a law enforcement officer determines  
14 that the vehicle or individuals associated with the license plate number  
15 are relevant and material to an ongoing criminal or missing persons  
16 investigation subject to the following limitations:  
17 (a) Any manual entry must document the reason for the entry; and  
18 (b) Manual entries must be automatically purged at the end of each  
19 law enforcement agency shift, unless the criminal investigation or  
20 missing persons investigation remains ongoing.  
21 Sec. 5. (1)(a) An operator of an automatic license plate reader  
22 system shall, upon the request of a governmental entity or a defendant in  
23 a criminal case, take all necessary steps to preserve captured plate data  
24 in its possession pending the issuance of a warrant, subpoena, or order  
25 of a court.  
26 (b) A requesting governmental entity or defendant in a criminal case  
27 must specify in a written sworn statement:  
28 (i) The particular camera or cameras for which captured plate data  
29 must be preserved or the particular license plate for which captured  
30 plate data must be preserved; and  
31 (ii) The date or dates and timeframes for which captured plate data



1 must be preserved.  
2 (2) A governmental entity or defendant in a criminal case may apply  
3 for a court order for disclosure of captured plate data, which shall be  
4 issued by the court if the governmental entity or defendant in a criminal  
5 case offers specific and articulable facts showing there are reasonable  
6 grounds to believe the captured plate data is relevant and material to  
7 the criminal or civil action. Nothing in this subsection shall prevent  
8 the governmental entity from disclosing any captured plate data: (a) To  
9 the parties to a criminal or civil action; (b) for administrative  
10 purposes; (c) to alert the public of an emergency situation; or (d)  
11 relating to a missing person.  
12 Sec. 6. Except as otherwise provided in subdivision (3)(b) of this  
13 section, any governmental entity that uses an automatic license plate  
14 reader system shall:  
15 (1) Adopt a policy governing use of the system and conspicuously  
16 post the policy on the governmental entity's Internet web site or, if no  
17 web site is available, in its main office;  
18 (2) Adopt a privacy policy to ensure that captured plate data is not  
19 shared in violation of the Automatic License Plate Reader Privacy Act or  
20 any other law and conspicuously post the privacy policy on its Internet  
21 web site or, if no web site is available, in its main governmental  
22 office; and  
23 (3)(a) Report annually to the Nebraska Commission on Law Enforcement  
24 and Criminal Justice on its automatic license plate reader practices and  
25 usage. The report shall also be conspicuously posted on the governmental  
26 entity's Internet web site or, if no web site is available, in its main  
27 office. The report shall include the following information, if captured  
28 by the automatic license plate reader system:  
29 (i) The names of each list against which captured plate data was  
30 checked, the number of confirmed matches, and the number of matches that  
31 upon further investigation did not correlate to an alert; and  
1 (ii) The number of manually-entered license plate numbers under  
2 subsection (3) of section 4 of this act, the number of confirmed matches,  
3 and the number of matches that upon further investigation did not  
4 correlate to an alert.  
5 (b) The reporting requirements of this subsection shall not apply to  
6 governmental entities using an automatic license plate reader system  
7 pursuant to subdivisions (2)(b) through (e) of section 3 of this act.  
8 Sec. 7. No captured plate data and no evidence derived therefrom  
9 may be received in evidence in any trial, hearing, or other proceeding  
10 before any court, grand jury, department, officer, agency, regulatory  
11 body, legislative committee, or other authority of this state, or a  
12 political subdivision thereof, if the disclosure of that information  
13 would be in violation of the Automatic License Plate Reader Privacy Act.  
14 Sec. 8. Any person who violates the Automatic License Plate Reader  
15 Privacy Act shall be liable for damages that proximately cause injury to  
16 the business, person, or reputation of another individual or entity.  
17 Sec. 9. (1) Captured plate data held by a governmental entity is  
18 not considered a public record for purposes of sections 84-712 to

19 84-712.09 and shall only be disclosed to the person to whom the vehicle  
 20 is registered or with the prior written consent of the person to whom the  
 21 vehicle is registered or pursuant to a disclosure order under subsection  
 22 (2) of section 5 of this act or as the result of a match pursuant to  
 23 subsection (2) of section 3 of this act.  
 24 (2) Upon the presentation to a governmental entity of a valid,  
 25 outstanding protection order pursuant to the Protection from Domestic  
 26 Abuse Act, the Uniform Interstate Enforcement of Domestic Violence  
 27 Protection Orders Act, or section 28-311.09 or 28-311.10 protecting the  
 28 driver of a vehicle jointly registered with or registered solely in the  
 29 name of the individual against whom the order was issued, captured plate  
 30 data may not be disclosed except pursuant to a disclosure order under  
 31 subsection (2) of section 5 of this act or as the result of a match  
 1 pursuant to subsection (2) of section 3 of this act.

**LEGISLATIVE BILL 158.** Placed on General File with amendment.

AM145

1 1. On page 2, line 27, after the comma insert "and the matter  
 2 leading to such filing has not already been resolved through a juvenile  
 3 pretrial diversion program established pursuant to sections 43-260.02 to  
 4 43-260.07."  
 5 2. On page 5, line 14, after the period insert "If a juvenile waives  
 6 his or her right to counsel, the juvenile court shall at each subsequent  
 7 hearing inform the juvenile of his or her right to rescind such waiver of  
 8 counsel and have counsel reappointed."

**LEGISLATIVE BILL 574.** Indefinitely postponed.

(Signed) Laura Ebke, Chairperson

#### ANNOUNCEMENT

Senator Craighead announced Committee on Committees will meet Tuesday, February 7, 2017, at 10:15 a.m. in Room 2022.

#### UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hilkemann name added to LB18.  
 Senator Halloran name added to LB121.  
 Senator Pansing Brooks name added to LB180.  
 Senator Albrecht name added to LB289.  
 Senator Brewer name added to LB342.  
 Senator Brewer name added to LB355.  
 Senator Baker name added to LB438.  
 Senator Brewer name added to LB556.  
 Senator Lindstrom name added to LB576.

Senator Erdman name added to LB576.  
Senator Hilkemann name added to LB578.  
Senator Ebke name added to LB611.  
Senator Blood name added to LB624.  
Senator Brewer name added to LB624.  
Senator Brewer name added to LB635.  
Senator Brewer name added to LB650.  
Senator Hilkemann name added to LR23.  
Senator Hilkemann name added to LR24.  
Senator Pansing Brooks name added to LR26.

**MOTION - Recess**

Senator Chambers moved to recess until 2:30 p.m.

The motion failed.

**VISITOR(S)**

Visitors to the Chamber were Wes Ropers and Mike Pittz from Lincoln; and Senator Albrecht's husband, Mike, and Leon Bruns, Darrell Olson, Donald Liedman, Roger Brandt, Tom Wittler, and Dennis Zvack.

**ADJOURNMENT**

At 12:03 p.m., on a motion by Senator Groene, the Legislature adjourned until 9:00 a.m., Tuesday, February 7, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-FOURTH DAY - FEBRUARY 7, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**TWENTY-FOURTH DAY**

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

**PRAYER**

The prayer was offered by Senator Watermeier.

**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.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-third day was approved.

**MESSAGE(S) FROM THE GOVERNOR**

February 6, 2017

Robert Clements  
221 South 5th Street  
Elmwood, NE 68349

Dear Mr. Clements:

It is my pleasure to appoint you as a member of the Nebraska Legislature representing District 2 effective February 6, 2017. Your term will continue until January 1, 2019. Your knowledge and input are valuable and your willingness to serve in this important position is appreciated.

Congratulations and best wishes.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosure

**GUBERNATORIAL APPOINTMENT**

Greetings To All Who Shall See These Presents Know Ye, that I, Pete Ricketts, on behalf of the State of Nebraska and as Governor, do hereby appoint Robert Clements as a member of the Nebraska Legislature - District 2.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on February 6, 2017, and continue until January 1, 2019, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Pete Ricketts  
Governor

(Signed) John A. Gale  
Secretary of State

**OFFICIAL OATH**

STATE OF NEBRASKA )  
                                  ) ss.  
County of Lancaster )

"I, Robert Clements, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature, District 2 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote may give or withhold on any bill, resolution, or appropriation)."\*

(Signed) Robert Clements

Subscribed in my presence and sworn to before me this 6th day of February 2017.

(SEAL) (Signed) Michael G. Heavican  
Chief Justice, Nebraska Supreme Court

\*Constitution of the State of Nebraska, Article XV, Section One. For Executive, Judicial Officers and Members of the Legislature.

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 190.** Indefinitely postponed.

(Signed) Jim Smith, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Revenue

Room 1524

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

LB380  
LB452  
LB468  
LB461

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

LB251  
LB266  
LB640

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

LB535  
LB322  
LB385  
LB555

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

LB232  
LB236  
LB238  
LB249

Friday, February 24, 2017 1:30 p.m.

LB602  
LB498  
LB253  
LB288

(Signed) Jim Smith, Chairperson

Judiciary

Room 1113

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

LB589

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

LB226

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

LB145

LB395

LB615

Friday, March 17, 2017 2:00 p.m.

LB366

LB424

LB585

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

LB446

LB560

LB562

LB593

LR26

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

LB397

LB502

LB606

LR27

(Signed) Laura Ebke, Chairperson

Education

Room 1525

Tuesday, February 14, 2017 1:30 p.m.

LB246

LB247



LB525  
LB575

(Signed) Mike Groene, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Erdman filed the following amendment to LB568:

AM150

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

3 Section 1. Section 79-802, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 79-802 (1) Except as provided in subsection (2) of this section, no  
6 person shall be employed to teach in any public, private, denominational,  
7 or parochial school in this state who does not hold a valid Nebraska  
8 certificate or permit issued by the Commissioner of Education legalizing  
9 him or her to teach the grade or subjects to which elected.

10 (2) Any person who holds a valid certificate or permit to teach  
11 issued by another state may be employed as a substitute teacher in any  
12 public, private, denominational, or parochial school in this state for  
13 not more than ten working days if he or she begins the application  
14 process, on the first employment day, for a Nebraska substitute teacher's  
15 certificate and the issuance of such certificate is pending. A person  
16 employed as a substitute teacher pursuant to this subsection shall not be  
17 required to hold a temporary certificate or a temporary substitute  
18 teacher's certificate pursuant to subsection (2) or (3) of section 79-808  
19 while subject to this subsection.

20 (3) Public, private, denominational, or parochial schools in the  
21 state may employ persons who do not hold a valid Nebraska teaching  
22 certificate or permit issued by the Commissioner of Education to serve as  
23 aides to a teacher or teachers. Such teacher aides may not assume any  
24 teaching responsibilities. A teacher aide may be assigned duties which  
25 are nonteaching in nature if the employing school has assured itself that  
26 the aide has been specifically prepared for such duties, including the  
27 handling of emergency situations which might arise in the course of his  
1 or her work.

2 Sec. 2. Section 79-808, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 79-808 (1) Except as otherwise provided in subsection (3) of this  
5 section, the ~~The~~ board shall establish, adopt, and promulgate appropriate  
6 rules, regulations, and procedures governing the issuance, renewal,  
7 conversion, suspension, and revocation of certificates and permits to  
8 teach, provide special services, and administer based upon (a) earned  
9 college credit in humanities, social and natural sciences, mathematics,  
10 or career and technical education, (b) earned college credit, or its  
11 equivalent in professional education, for particular teaching, special  
12 services, or administrative assignments, (c) criminal history record  
13 information if the applicant has not been a continuous Nebraska resident

14 for five years immediately preceding application for the first issuance  
 15 of a certificate, (d) human relations training, (e) successful teaching,  
 16 administration, or provision of special services, and (f) moral, mental,  
 17 and physical fitness for teaching, all in accordance with sound  
 18 educational practices. Such rules, regulations, and procedures shall also  
 19 provide for endorsement requirements to indicate areas of specialization  
 20 on such certificates and permits.

21 (2) The board may issue a temporary certificate, valid for a period  
 22 not to exceed two years, to any applicant for certification who has not  
 23 completed the human relations training requirement.

24 (3) Beginning August 1, 2018, the board may issue a temporary  
 25 substitute teacher's certificate, valid for a period of five years, to  
 26 any qualified candidate. Any person who holds a temporary substitute  
 27 teacher's certificate may be employed as a substitute teacher in any  
 28 public, private, denominational, or parochial school in this state for  
 29 not more than the equivalent of ninety full school days in the same  
 30 school or school district during any school year. To be a qualified  
 31 candidate for a temporary substitute teacher's certificate, an applicant  
 1 shall:

2 (a) Be twenty-one years of age or older;

3 (b) Possess a valid high school diploma;

4 (c) Complete twenty-four hours of inservice training;

5 (d) Complete ten hours of classroom observation at each level for

6 (i) elementary school or early childhood education, (ii) middle school,  
 7 and (iii) high school for a total of thirty hours;

8 (e) Successfully complete a course and pass an examination

9 administered by the department with a score of at least eighty percent on  
 10 the Constitution of the United States;

11 (f) Successfully complete a course and pass an examination

12 administered by the department with a score of at least eighty percent on  
 13 the Constitution of Nebraska;

14 (g) Submit fingerprints for purposes of a search for criminal

15 history record information pursuant to section 79-814.01; and

16 (h) Complete an application for a temporary substitute teacher's

17 certificate and submit an application fee pursuant to section 79-810.

18 ~~(4) (3)~~ Members of any advisory committee established by the board

19 to assist the board in teacher education and certification matters shall  
 20 be reimbursed for their actual and necessary expenses as provided in  
 21 sections 81-1174 to 81-1177. Each school district which has an employee  
 22 who serves as a member of such committee and which is required to hire a  
 23 person to replace such member during the member's attendance at meetings  
 24 or activities of the committee or any subcommittee thereof shall be  
 25 reimbursed from the Certification Fund for the expense it incurs from  
 26 hiring a replacement. School districts may excuse employees who serve on  
 27 such advisory committees from certain duties which conflict with any  
 28 advisory committee duties.

29 Sec. 3. Section 79-810, Reissue Revised Statutes of Nebraska, is

30 amended to read:

31 79-810 (1) Certificates and permits shall be issued by the

1 commissioner upon application on forms prescribed and provided by him or  
2 her which shall include the applicant's social security number.

3 (2) Each certificate or permit issued by the commissioner shall  
4 indicate the area of authorization to teach, provide special services, or  
5 administer and any areas of endorsement for which the holder qualifies.  
6 During the term of any certificate or permit issued by the commissioner,  
7 additional endorsements may be made on the certificate or permit if the  
8 holder submits an application, meets the requirements for issuance of the  
9 additional endorsements, and pays a nonrefundable fee of forty dollars.

10 (3) The Certification Fund is created. Any fee received by the  
11 department under sections 79-806 to 79-815 shall be remitted to the State  
12 Treasurer for credit to the fund. The fund shall be used by the  
13 department in paying the costs of certifying educators pursuant to such  
14 sections and to carry out subsection (4) ~~(3)~~ of section 79-808.

15 (4) Except as provided in subsection (6) of this section, for ~~For~~  
16 issuance of a certificate or permit valid in all schools, the  
17 nonrefundable fee shall be fifty-five dollars, except that thirteen  
18 dollars of the fifty-five-dollar fee shall be credited to the  
19 Professional Practices Commission Fund which is created for use by the  
20 department to pay for the provisions of sections 79-859 to 79-871, except  
21 that transfers may be made from the fund to the General Fund at the  
22 direction of the Legislature.

23 (5) Except as provided in subsection (6) of this section, for ~~For~~  
24 issuance of a certificate or permit valid only in nonpublic schools, the  
25 nonrefundable fee shall be forty dollars.

26 (6) For the issuance of a temporary substitute teacher's  
27 certificate, the nonrefundable fee shall be determined by the board and  
28 shall not exceed eighty dollars for a resident who has resided within the  
29 state for the past two years or one hundred dollars for any other  
30 applicant.

31 (7) Any money in the Certification Fund or the Professional  
1 Practices Commission Fund available for investment shall be invested by  
2 the state investment officer pursuant to the Nebraska Capital Expansion  
3 Act and the Nebraska State Funds Investment Act.

4 Sec. 4. Section 79-814.01, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 79-814.01 (1) Upon request by the commissioner, the Nebraska State  
7 Patrol shall undertake a search for criminal history record information  
8 relating to an applicant for a certificate pursuant to subdivision (1)(c)  
9 or subsection (3) of section 79-808, including transmittal of the  
10 applicant's fingerprints to the Federal Bureau of Investigation for a  
11 national criminal history record information check. The criminal history  
12 record information check shall include information concerning the  
13 applicant from federal repositories of such information and repositories  
14 of such information in other states if authorized by federal law. The  
15 Nebraska State Patrol shall issue a report to the commissioner that shall  
16 include the criminal history record information concerning the applicant.

17 (2) The commissioner may deny issuance of a certificate or permit to  
18 any applicant who has a felony conviction or who has any misdemeanor

19 conviction involving abuse, neglect, or sexual misconduct. In reviewing  
 20 an applicant's criminal history record information, the commissioner  
 21 shall take into consideration any information, including information  
 22 submitted by the applicant, regarding (a) the facts and circumstances  
 23 surrounding a conviction, (b) the type of offense and the sentence  
 24 imposed, (c) whether the conduct resulting in a conviction would  
 25 constitute a crime in Nebraska, (d) the date of the offense, (e) the age  
 26 of the applicant at the time of the offense, and (f) the applicant's  
 27 conduct and positive social contributions since the offense.  
 28 (3) The board shall determine and set the costs for processing  
 29 criminal history record information checks pursuant to this section and  
 30 section 79-808 which shall be borne by the applicant for a certificate or  
 31 permit. The costs shall be limited to the actual direct costs arising  
 1 from the processing of the criminal history record information checks.  
 2 (4) Criminal history record information subject to federal  
 3 confidentiality requirements shall remain confidential and may be  
 4 released only upon the written authorization by the applicant, except  
 5 that if the applicant appeals the denial of a certificate or permit by  
 6 the commissioner, the filing of an administrative appeal shall constitute  
 7 a release of the information for the limited purpose of the appeal. If  
 8 the applicant requests a closed hearing, such request shall be subject to  
 9 the Open Meetings Act.  
 10 Sec. 5. Original sections 79-802, 79-808, 79-810, and 79-814.01,  
 11 Reissue Revised Statutes of Nebraska, are repealed.

#### **MOTION - Adopt Permanent Rules**

Senator Larson withdrew his motion, found on page 421, to withdraw his proposed rule change, found on page 419, and replace it with his substitute proposed rule change, found on page 420, to Rule 7, Sec. 10.

Senator Larson renewed his proposed rule change, found on page 419, to Rule 7, Sec. 10.

Senator Larson offered the following amendment to his proposed rule change to Rule 7, Sec. 10:

Strike the new language in the original Larson amendment to Rule 7, Sec. 10, and insert the following new language:

A vote on the cloture motion shall be taken immediately, which shall require a majority of the elected members, and shall not prevail if two-fifths of the elected members are voting in the negative. ~~A two-thirds majority of the elected members shall be required for the cloture motion to be successful.~~

#### **SENATOR WATERMEIER PRESIDING**

Senator Morfeld moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Senator Larson moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Harr requested a roll call vote, in reverse order, on the Larson amendment.

Voting in the affirmative, 22:

Albrecht	Clements	Groene	Lindstrom	Smith
Bostelman	Craighead	Halloran	Linehan	Watermeier
Brasch	Erdman	Hilgers	Lowe	
Brewer	Friesen	Hughes	Murante	
Briese	Geist	Kuehn	Riepe	

Voting in the negative, 23:

Baker	Harr	McCollister	Scheer	Wayne
Blood	Hilkemann	McDonnell	Schumacher	Williams
Bolz	Howard	Morfeld	Stinner	Wishart
Crawford	Kolowski	Pansing Brooks	Vargas	
Hansen	Krist	Quick	Walz	

Present and not voting, 4:

Chambers	Ebke	Kolterman	Larson
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The Larson amendment lost with 22 ayes, 23 nays, and 4 present and not voting.

The Chair declared the call raised.

Senator Larson offered the following motion:  
Reconsider the vote just taken on his amendment.

#### **SPEAKER SCHEER PRESIDING**

Senator Larson asked unanimous consent to withdraw his motion to reconsider the vote just taken on his amendment. No objections. So ordered.

Senator Larson offered the following amendment to his proposed rule change to Rule 7, Sec. 10:

Strike the new language in the original Larson amendment to Rule 7, Sec. 10, reinstate the stricken language, and insert the following new language:

A vote on the cloture motion shall be taken immediately, which shall require a three-fifths majority of the elected members, and shall not prevail if one-third of the elected members are voting in the negative. ~~A two-thirds majority of the elected members shall be required for the cloture motion to be successful.~~

Pending.

**MOTION - Adopt Temporary Rules**

Senator Harr moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the twenty-ninth legislative day.

Senator Larson offered the following amendment to the motion to adopt the temporary rules:

**Amend Rule 7, Sec. 10.**

**Sec. 10. Cloture.** At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for cloture to the presiding officer; however, the presiding officer may rule such motion for cloture out of order if, in the presiding officer's opinion, a full and fair debate has not been afforded. Such ruling by the presiding officer shall not be subject to challenge. Whenever a motion for cloture is offered, the presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the cloture motion shall be taken immediately. A two-thirds majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the pending matter shall be taken immediately, without debate. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered. Finally, a vote on the advancement of the bill shall be taken.

A motion for cloture shall have precedence over all other motions except a motion to recess or adjourn.

A motion for cloture which fails for lack of sufficient votes shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture shall not be in order until ~~two~~ three additional hours of debate on the bill has occurred. If the presiding officer rejects a motion for cloture on a bill due to lack of full and fair debate, successive motions for cloture on the bill may be offered at any time.

Senator Larson offered the following amendment to his amendment:

**Amend Rule 2, Sec. 1.**

**Section 1. Rules, Matters Not Covered.** (a) At the commencement of each regular session, a motion shall be offered to adopt the rules of the preceding session as temporary rules. The motion to adopt temporary rules shall require a majority vote of the members. The temporary rules shall be in effect until such time as the permanent rules are adopted and shall be subject

to cloture pursuant to Rule 7, Section 10, which shall require a majority of the elected members for adoption. The motion to adopt permanent rules and amendments to that motion shall require a majority vote of the elected members. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

(b) In the absence of a controlling rule to cover a specific situation and in the absence of controlling custom, usage, and/or precedent, the presiding officer may utilize Mason's Manual of Legislative Procedure as authority.

Senator Larson withdrew his amendments.

Senator Chambers offered the following amendment to the motion to adopt the temporary rules:  
Strike Rule 1.

Senator Chambers withdrew his amendment.

The motion to adopt temporary rules prevailed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 32.** Introduced by Stinner, 48.

WHEREAS, the Nebraska Dry Bean Commission was created as a part of the Dry Bean Resources Act with the passage of Legislative Bill 145 in 1987; and

WHEREAS, Legislative Bill 145 was introduced by Senators John Weihing and Dennis Baack and was signed into law by Governor Kay Orr on March 30, 1987; and

WHEREAS, the Nebraska Dry Bean Commission was created to allow dry bean producers and processors the ability to adopt and devise a dry bean program consisting of research, education, advertising, publicity, and promotion to increase total consumption of dry beans on a state, national, and international basis; and

WHEREAS, the majority of Nebraska's dry bean production occurs along the North Platte River located in the panhandle, southwestern, north central, and central regions of Nebraska; and

WHEREAS, Nebraska has historically been the third largest producer of dry edible beans in the United States, producing an average of 2,270 pounds per acre on 122,000 acres for a total production of 2.766 million hundredweight bags; and

WHEREAS, Nebraska is the largest domestic producer of great northern beans, with approximately 85% of all national production occurring within 75 miles of Scottsbluff; and

WHEREAS, Nebraska is the second largest producer of pinto beans and light red kidney beans in this country; and

WHEREAS, the production of dry edible beans has a significant economic impact in this state; and

WHEREAS, dry edible beans are a low-cost, nutrient-dense food compatible with many current food trends, including high-protein, high-fiber, low-fat, plant-based protein, and low-cholesterol diets.

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

1. That the Legislature recognizes February 7, 2017, as the 30th anniversary of the Nebraska Dry Bean Commission.

Laid over.

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Buhlke, Brian - Nebraska Rural Health Advisory Commission - Health and Human Services

Dexter, April - Nebraska Rural Health Advisory Commission - Health and Human Services

Fattig, Martin - Nebraska Rural Health Advisory Commission - Health and Human Services

Goertz, Jessye - Nebraska Rural Health Advisory Commission - Health and Human Services

Iske, Benjamin R. - Nebraska Rural Health Advisory Commission - Health and Human Services

(Signed) Dan Watermeier, Chairperson  
Executive Board

#### **COMMITTEE ON COMMITTEES REPORT**

Committee on Committees reported the following committee assignment made due to the resignation of Senator Kintner:

Senator Clements has been appointed to the Appropriations Committee.

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Brewer name added to LB494.

Senator Ebke name added to LB503.

Senator Lowe name added to LB576.

Senator Erdman name added to LB645.



**VISITOR(S)**

Visitors to the Chamber were 43 fourth-grade students, teachers, and sponsors from Malcolm; 50 retired members of NSEA from across the state; and members of the Nebraska Bankers Association Leadership Program class from across the state.

The Doctor of the Day was Dr. Tina Kearney from Lincoln.

**ADJOURNMENT**

At 12:37 p.m., on a motion by Senator Brasch, the Legislature adjourned until 9:00 a.m., Wednesday, February 8, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-FIFTH DAY - FEBRUARY 8, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 8, 2017

**PRAYER**

The prayer was offered by Senator Erdman.

**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 Craighead who was excused; and Senators Krist, Larson, Watermeier, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fourth day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 29 and 30 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 29 and 30.

**SELECT FILE**

**LEGISLATIVE BILL 119.** Considered.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 22.** ER4, found on page 415, was adopted.

Senator Chambers offered the following motion:

MO32

Indefinitely postpone.

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

The Chambers motion to indefinitely postpone failed with 1 aye, 30 nays, 14 present and not voting, and 4 excused and not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

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

Voting in the affirmative, 45:

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

Voting in the negative, 1:

Chambers

Excused and not voting, 3:

Craighead      Krist              Wayne

Advanced to Enrollment and Review for Engrossment with 45 ayes, 1 nay, and 3 excused and not voting.

The Chair declared the call raised.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 33.** Introduced by Hilkemann, 4; Linehan, 39.

WHEREAS, the Elkhorn South High School football team won the 2016 Class B State Football Championship; and

WHEREAS, the championship game was the second contest between the Elkhorn South Storm and the Skutt Catholic SkyHawks during the 2016 season; and

WHEREAS, Skutt had a chance to tie the game on a two point conversion with just over one minute left; and

WHEREAS, with this victory, Elkhorn South earned a second consecutive state title and extended its overall winning streak to 26 games; 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 Elkhorn South High School football team on winning the 2016 Class B State Football Championship.
2. That a copy of this resolution be sent to the Elkhorn South High School football team and coach Guy Rosenberg.

Laid over.

**LEGISLATIVE RESOLUTION 34.** Introduced by Hilkemann, 4; Kolowski, 31.

WHEREAS, Jesse L. Mu has been awarded the Winston Churchill Scholarship to study at the University of Cambridge's Churchill College; and

WHEREAS, Mr. Mu graduated from Millard North High School in 2013 and expects to graduate from Boston College in May of 2017; and

WHEREAS, the Winston Churchill Scholarship was established at the request of Sir Winston Churchill to fulfill his vision for scientific and technological exchange between the United Kingdom and the United States; and

WHEREAS, the scholarship is awarded to the nation's top undergraduate students who have demonstrated exceptional research talent and a capacity to contribute to the progress of knowledge in the sciences, engineering, or mathematics by pursuing original, creative work at an advanced level; and

WHEREAS, Mr. Mu previously received the 2016 Barry M. Goldwater Scholarship, researched Parkinson's disease at the Technical University of Madrid, and participated in a highly selective summer internship program at Stanford University's Center for the Study of Language and Information; and

WHEREAS, Mr. Mu is excited to spend the coming year at Churchill College pursuing a master's degree in natural language processing as used in voice-activated technology.

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

1. That the Legislature congratulates Jesse L. Mu on his academic excellence and on receiving the Winston Churchill Scholarship.
2. That a copy of this resolution be sent to Jesse L. Mu.

Laid over.

**MOTION - Adopt Permanent Rules**

The Larson proposed rule change, found on page 419 and considered on page 436, to Rule 7, Sec. 10, was renewed.

Senator Larson renewed his amendment, found on page 437, to Rule 7, Sec. 10, to his proposed rule change.

**SENATOR LINDSTROM PRESIDING****SPEAKER SCHEER PRESIDING**

Senator Briese moved the previous question. The question is, "Shall the debate now close?"

Senator Larson moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Larson requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 29:

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

Voting in the negative, 12:

Baker	Harr	Morfeld	Vargas
Blood	Kolowski	Pansing Brooks	Walz
Crawford	McDonnell	Quick	Wishart

Present and not voting, 6:

Chambers	Howard	Schumacher
Hansen	McCollister	Williams

Excused and not voting, 2:

Krist	Wayne
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The motion to cease debate prevailed with 29 ayes, 12 nays, 6 present and not voting, and 2 excused and not voting.

Senator Larson requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Albrecht	Clements	Geist	Kuehn	Murante
Bostelman	Craighead	Groene	Larson	Riepe
Brasch	Ebke	Halloran	Lindstrom	Scheer
Brewer	Erdman	Hilgers	Linehan	Smith
Briese	Friesen	Hughes	Low	Watermeier

Voting in the negative, 19:

Baker	Hansen	Kolowski	Pansing Brooks	Walz
Blood	Harr	McCollister	Quick	Williams
Bolz	Hilkemann	McDonnell	Schumacher	Wishart
Crawford	Howard	Morfeld	Vargas	

Present and not voting, 3:

Chambers	Kolterman	Stinner
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Excused and not voting, 2:

Krist	Wayne
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The Larson amendment was adopted with 25 ayes, 19 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

Reconsider the vote on the Larson amendment to the Larson proposed rule change.

Pending.

**COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 404.** Indefinitely postponed.

(Signed) Curt Friesen, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 119.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**

Health and Human Services

**LEGISLATIVE BILL 195.** Placed on General File.**LEGISLATIVE BILL 255.** Placed on General File with amendment.  
AM91

- 1 1. Insert the following new section:
- 2 Section 13. Since an emergency exists, this act takes effect when
- 3 passed and approved according to law.

(Signed) Merv Riepe, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Government, Military and Veterans Affairs

Room 1507

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

LB508  
LB567  
LB603

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

LB644

Friday, February 24, 2017 1:30 p.m.

LB299  
LB320  
LB482

Wednesday, March 1, 2017 9:15 a.m.

LB75  
LB314  
LB451

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

LR1CA

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

LB309  
LB433



(Signed) John Murante, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Linehan name added to LB21.

Senator Geist name added to LB576.

Senator Hilgers name added to LB576.

**VISITOR(S)**

Visitors to the Chamber were members of Leadership Hastings; members of Leadership Cheyenne County from Sidney; members of Custer County Economic Development Leadership class; Senator Erdman's son, former Senator Philip Erdman, from Lincoln; Jeff Metz, Morrill County Commissioner; members of Educators Rising Nebraska, Nicole Simanek, VP of Communication, and Margarita Rodriguez, VP of Membership; and Bob Post, Banner County Commissioner.

The Doctor of the Day was Dr. Gilbert Head from Omaha.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Thursday, February 9, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-SIXTH DAY - FEBRUARY 9, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 9, 2017

**PRAYER**

The prayer was offered by Pastor Ed Milligan, Douglas United Methodist Church, Douglas.

**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 Senators Craighead and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fifth day was approved.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 22.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**  
Health and Human Services

**LEGISLATIVE BILL 425.** Placed on General File with amendment.  
AM92

- 1 1. Insert the following new section:
- 2 Sec. 6. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.

(Signed) Merv Riepe, Chairperson

**ANNOUNCEMENT**

The Chair announced the birthday of Senator Smith.

**MOTION - Adopt Permanent Rules**

Senator Chambers renewed his motion, found on page 447, to reconsider the vote on the Larson amendment to the Larson proposed rule change.

**SENATOR LINDSTROM PRESIDING****SPEAKER SCHEER PRESIDING**

Senator Larson moved the previous question. The question is, "Shall the debate now close?"

Senator Kolterman moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Larson requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 27:

Albrecht	Craighead	Halloran	Lindstrom	Smith
Bostelman	Ebke	Hilgers	Linehan	Stinner
Brasch	Erdman	Hughes	Lowe	Watermeier
Brewer	Friesen	Kolterman	Murante	
Briese	Geist	Kuehn	Riepe	
Clements	Groene	Larson	Scheer	

Voting in the negative, 21:

Baker	Hansen	McCollister	Schumacher	Wishart
Blood	Hilkemann	McDonnell	Vargas	
Bolz	Howard	Morfeld	Walz	
Chambers	Kolowski	Pansing Brooks	Wayne	
Crawford	Krist	Quick	Williams	

Present and not voting, 1:

Harr

The motion to cease debate prevailed with 27 ayes, 21 nays, and 1 present and not voting.

Senator Chambers requested a record vote on the motion to reconsider.

Voting in the affirmative, 22:

Baker	Hansen	Krist	Quick	Williams
Blood	Harr	McCollister	Schumacher	Wishart
Bolz	Hilkemann	McDonnell	Vargas	
Chambers	Howard	Morfeld	Walz	
Crawford	Kolowski	Pansing Brooks	Wayne	

Voting in the negative, 25:

Albrecht	Clements	Groene	Larson	Riepe
Bostelman	Craighead	Halloran	Lindstrom	Scheer
Brasch	Erdman	Hilgers	Linehan	Smith
Brewer	Friesen	Hughes	Lowe	Sinner
Briese	Geist	Kuehn	Murante	Watermeier

Present and not voting, 2:

Ebke            Kolterman

The Chambers motion to reconsider failed with 22 ayes, 25 nays, and 2 present and not voting.

The Chair declared the call raised.

Pending.

### COMMITTEE REPORT(S)

Urban Affairs

**LEGISLATIVE BILL 455.** Placed on General File.

(Signed) Justin Wayne, Chairperson

Executive Board

**LEGISLATIVE BILL 376.** Placed on General File with amendment.

AM159

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

2 sections:

3 Section 1. (1) For purposes of this section, qualified property

4 means the 43.55 acres that were deemed to be not needed for state

5 purposes pursuant to section 90-202 and were deemed to be excess land by

6 the Vacant Building and Excess Land Committee.

7 (2) Notwithstanding sections 72-811 to 72-818 or any other provision

8 of law, the Director of Administrative Services shall, within thirty days

9 after the effective date of this act, submit a request to the Legislature

10 and the Governor asking for authorization to convey the qualified

11 property to the Northeast Community College Area as a donation so that

12 the qualified property may be used for the purpose of development of the

13 Northeast Community College Technology Park.

14 (3) Approval of the Governor and the Legislature or, if the  
 15 Legislature is not in session, the Executive Board of the Legislative  
 16 Council shall be required to donate the qualified property to the  
 17 Northeast Community College Area.  
 18 (4) If the Northeast Community College Area sells the qualified  
 19 property within ten years after it is donated pursuant to this section,  
 20 all proceeds of the sale shall be remitted to the State Treasurer for  
 21 credit to the General Fund.  
 22 Sec. 2. Since an emergency exists, this act takes effect when  
 23 passed and approved according to law.

(Signed) Dan Watermeier, Chairperson

Banking, Commerce and Insurance

**LEGISLATIVE BILL 384.** Placed on General File.

**LEGISLATIVE BILL 476.** Placed on General File.

**LEGISLATIVE BILL 549.** Placed on General File.

**LEGISLATIVE BILL 406.** Placed on General File with amendment.  
 AM204

1 1. On page 4, line 10, after the second occurrence of "mail" insert  
 2 "first-class mail".

(Signed) Brett Lindstrom, Chairperson

Business and Labor

**LEGISLATIVE BILL 181.** Placed on General File.

**LEGISLATIVE BILL 203.** Placed on General File.

**LEGISLATIVE BILL 172.** Placed on General File with amendment.  
 AM162

1 1. On page 8, after line 6 insert the following new subdivision:  
 2 "(19) Hearing officer means a person employed by the Department of  
 3 Labor who conducts hearings, contested cases, or other proceedings  
 4 pursuant to the Employment Security Law."; in line 7 strike "(19)" and  
 5 insert "(20)"; in line 23 strike "(20)" and insert "(21)"; in line 24  
 6 strike "(21)" and insert "(22)"; and in line 29 strike "(22)" and insert  
 7 "(23)".  
 8 2. On page 9, line 2, strike "(23)" and insert "(24)"; in line 5  
 9 strike "(24)" and insert "(25)"; in line 19 strike "(25)" and insert  
 10 "(26)"; in line 25 strike "(26)" and insert "(27)"; and in line 29 strike  
 11 "(27)" and insert "(28)".  
 12 3. On page 10, line 1, strike "(28)" and insert "(29)"; in line 6  
 13 strike "(29)" and insert "(30)"; in line 9 strike "(30)" and insert  
 14 "(31)"; in line 11 strike "(31)" and insert "(32)"; in line 16 strike  
 15 "(32)" and insert "(33)"; and in line 28 strike "(33)" and insert "(34)".  
 16 4. On page 11, line 2, strike "(34)" and insert "(35)".

17 5. On page 13, line 16, strike “(35)” and insert “(36)”; in line 18  
 18 strike “(36)” and insert “(37)”; in line 22 strike “(37)” and insert  
 19 “(38)”; and in line 26 strike “(38)” and insert “(39)”.  
 20 6. On page 69, line 1, strike “(34)(g)” and insert “(35)(g)”.

(Signed) Joni Albrecht, Chairperson

#### **AMENDMENT(S) - Print in Journal**

Senator Krist filed the following amendment to LB22:  
 AM235

(Amendments to Final Reading copy)

- 1 1. Strike sections 17, 18, 19, 20, 21, 22, 23, and 124.
- 2 2. On page 1, lines 3 and 4 strike "11, 12, 13, 14, 15, 16, 17,";  
 3 and in line 12 strike "Laws 2016, LB746A, section 3;"
- 4 3. On page 3, line 3, strike "149" and insert "141".
- 5 4. On page 110, line 16, strike "11, 12, 13, 14, 15, 16, 17,"; and  
 6 in line 24 strike "Laws 2016, LB746A, section 3;"
- 7 5. Renumber the remaining sections and correct internal references  
 8 accordingly.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 35.** Introduced by Scheer, 19.

WHEREAS, on Saturday, March 4, 2017, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award to three honorees at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Judi gaiashkibos, who has served as the Executive Director of the Nebraska Commission on Indian Affairs since 1995. Under her leadership, the commission has focused on creating partnerships and coalitions with elected representatives, tribal leaders, nonprofit organizations, and educational institutions. Judi is a native of Norfolk and an enrolled member of the Ponca Tribe of Nebraska. She also served as a past president of the Governors' Interstate Indian Council, which was established to improve cooperation between tribal and state governments. She has been the principal liaison to the Legislature in developing policy for native citizens and the four federally recognized tribes of this state. Her work was recognized by Humanities Nebraska when she was awarded the 2012 Sower Award in the Humanities. Judi is, and continues to be, an exemplary engaged Nebraskan; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Robert Ripley, FAIA, whose work as State Capitol Administrator has created a legacy that will serve the state for generations to come. Bob has spent more than 33 years serving as the steward, guardian, and curator of Nebraska's monumental State Capitol Building and oversaw the twelve-year, \$57 million project to repair the building's exterior and restore the iconic Sower. Nebraskans of all ages have benefited from Bob's passion for

public service and architecture and his dedication to preserving our cultural heritage. A Lincoln native, his national reputation and preservation expertise led to his service as a project coordinator for the restoration of the Washington Monument and his receipt of the 2015 Harry F. Cunningham Gold Medal for Architectural Excellence in the State of Nebraska; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Dayle Williamson, who has devoted his life to preserving and protecting Nebraska's abundant natural resources for future generations. Dayle was the first director of the Natural Resources Commission in 1971, serving for 30 years and under six governors in that position. He was instrumental in overseeing implementation of the landmark law that created Nebraska's natural resources districts. In this role, Williamson guided hundreds of state and federal projects that promoted soil and water conservation and flood control across the state, protected the state's soil and water resources, and averted millions of dollars in potential flood damage. Born and raised on a farm near Ohiowa, Williamson rose to the rank of Brigadier General in the Nebraska Army National Guard.

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

1. That the Legislature congratulates the recipients of the Distinguished NEBRASKAlander Award and extends its appreciation for their service to the State of Nebraska.

2. That a copy of this resolution be given to Judi gaiashkibos, to Robert Ripley, and to Dayle Williamson.

Laid over.

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Albrecht name added to LB661.

#### **VISITOR(S)**

Visitors to the Chamber were Kearney High Fine Arts students; members of Hall County Leadership Tomorrow; and Anne Berg from Lincoln.

The Doctor of the Day was Dr. Anna Dalrymple from Gothenburg.

#### **ADJOURNMENT**

At 11:50 a.m., on a motion by Senator Craighead, the Legislature adjourned until 9:00 a.m., Friday, February 10, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-SEVENTH DAY - FEBRUARY 10, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 10, 2017

**PRAYER**

The prayer was offered by Senator Bostelman.

**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 Senators Groene, Watermeier, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-sixth day was approved.

**MESSAGE(S) FROM THE GOVERNOR**

February 9, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Investment Council:

Richard DeFusco, 6611 South 41 Street, Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

February 9, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Ethanol Board:

Scott McPheeters, 26118 S. McNickle Road, Gothenburg, NE 69138

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

**NOTICE OF COMMITTEE HEARING(S)**  
Appropriations

Room 1524

Tuesday, February 21, 2017 1:30 p.m.

Budget bills scheduled at this time for official record purposes. Testimony on the overall budget is appropriate, however testimony on specific issues and/or agencies should be presented at the date scheduled for the relevant agency.

LB327  
LB328  
LB329  
LB330  
LB331  
LB332  
LB150

Room 1003

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

Agency 45 - Barber Examiners, Board of  
Agency 30 - Electrical Board, State  
Agency 74 - Power Review Board, Nebraska

Agency 41 - State Real Estate Commission  
Agency 53 - Real Property Appraiser Board  
Agency 63 - Public Accountancy, Nebraska Board of  
Agency 36 - Racing Commission, Nebraska State  
Agency 58 - Board of Engineers and Architects  
Agency 59 - Board of Geologists  
Agency 62 - Land Surveyors, State Board of Examiners for  
Agency 66 - Abstracters Board of Examiners  
Agency 73 - Landscape Architects, State Board of

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

Agency 18 - Agriculture, Department of  
Agency 18 - Agriculture, Department of  
Note: Potato Board & Poultry/Egg  
Agency 39 - Brand Committee, Nebraska  
Agency 60 - Ethanol Board, Nebraska  
Agency 56 - Wheat Board, Nebraska  
Agency 61 - Dairy Industry Development Board, Nebraska  
Agency 86 - Dry Bean Commission  
Agency 88 - Corn Development, Utilization and Marketing Board  
Agency 92 - Grain Sorghum Board, Nebraska

Friday, February 24, 2017 1:30 p.m.

LB416  
Agency 28 - Veterans' Affairs, Department of  
Agency 23 - Labor, Department of  
Agency 37 - Workers' Compensation Court  
Agency 77 - Industrial Relations, Commission of  
Agency 85 - Public Employees Retirement Board, Nebraska

(Signed) John Stinner, Chairperson

Judiciary

Room 1113

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

LB562 (cancel)

Friday, March 17, 2017 2:00 p.m.

LB562

(Signed) Laura Ebke, Chairperson

**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>

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 9, 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

Becker, David  
 The Nebraska Geological Society  
 Boschult, Mary  
 League of Women Voters of Lincoln and Lancaster County  
 Heartland Strategy Group, LLC  
 American Society of Composers, Authors & Publishers  
 Peetz & Company  
 Thai Boxing Association  
 Husch Blackwell LLP  
 Charter Communications, Inc.  
 Jensen Rogert Associates, Inc.  
 ABATE of Nebraska, Inc.  
 Lautenbaugh, Scott  
 Kissel/E&S Associates, LLC  
 Madon, Alexi  
 CompTIA Member Services, LLC  
 Mueller Robak  
 Notarize, Inc.  
 Plumb, Marjorie  
 Coalition for a Strong Nebraska

**MOTION - Adopt Permanent Rules**

The Larson proposed rule change, found on page 419 and considered on pages 436 and 446, to Rule 7, Sec. 10, as amended, was renewed.

Senator Chambers offered the following amendment to the Larson proposed rule change:

Strike new language and reinstate the stricken; after "time" at the end of the third paragraph, insert "No member shall consume food during a public hearing".

**SENATOR LINDSTROM PRESIDING**

**SPEAKER SCHEER PRESIDING**

Pending.

**COMMITTEE REPORT(S)**  
Transportation and Telecommunications

**LEGISLATIVE BILL 418.** Placed on General File.

**LEGISLATIVE BILL 347.** Placed on General File with amendment.  
AM16

1 1. On page 7, strike beginning with "No" in line 16 through line 20  
2 and show as stricken.

**LEGISLATIVE BILL 584.** Placed on General File with amendment.  
AM181

1 1. On page 2, line 6, reinstate the stricken matter beginning with  
2 "at" through the second comma; in line 7 before the period insert  
3 "sometime in July for the first time and sometime in September for the  
4 second time"; strike lines 8 through 11 and insert the following new  
5 subsection:  
6 "(2) This section shall not restrict landowners, a county, or a  
7 township from management of (a) roadside vegetation on road shoulders or  
8 of sight distances at intersections and entrances at any time of the year  
9 or (b) snow control mowing as may be necessary."; and in line 12 strike  
10 "No" and insert "Except as provided in subsection (2) of this section,  
11 no".

(Signed) Curt Friesen, Chairperson

Nebraska Retirement Systems

**LEGISLATIVE BILL 32.** Placed on General File.

**LEGISLATIVE BILL 110.** Placed on General File.

**LEGISLATIVE BILL 79.** Indefinitely postponed.

(Signed) Mark Kolterman, Chairperson

**COMMITTEE REPORT(S)**  
Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Randy Gard - 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

**VISITOR(S)**

Visitors to the Chamber were Dental Hygiene students from UNMC College of Dentistry; and members of the Nebraska State Bar Association Leadership Academy from across the state.

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

**ADJOURNMENT**

At 11:53 a.m., on a motion by Senator Kuehn, the Legislature adjourned until 9:00 a.m., Monday, February 13, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-EIGHTH DAY - FEBRUARY 13, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**TWENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 13, 2017

**PRAYER**

The prayer was offered by Senator Craighead.

**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 Riepe who was excused; and Senators Hansen and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-seventh day was approved.

**MESSAGE(S) FROM THE GOVERNOR**

February 9, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Commission on Problem Gambling:

Cameron Arch, 7204 South 160th Street, Omaha, NE 68136

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR31 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR31.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 119.** With Emergency Clause.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1022.02, 79-1027, and 79-1031.01, Reissue Revised Statutes of Nebraska, and sections 79-1022 and 79-1023, Revised Statutes Cumulative Supplement, 2016; to change the determination and certification dates relating to distribution of aid, certification of certain budget limitations as prescribed, and duties of the Appropriations Committee of the Legislature; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:



Craighead Hansen Murante Riepe

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**WITHDRAW - Amendments to LB22**

Senator Krist withdrew his amendments, AM104 and AM151, found on pages 385 and 399, to LB22.

**MOTION(S) - Return LB22 to Select File**

Senator Krist moved to return LB22 to Select File for his specific amendment, AM235, found on page 455.

Senator Krist requested a record vote on the motion to return.

Voting in the affirmative, 11:

Ebke	Kolowski	Pansing Brooks	Walz
Hansen	Krist	Quick	Wayne
Howard	Morfeld	Schumacher	

Voting in the negative, 30:

Albrecht	Clements	Halloran	Larson	Smith
Blood	Craighead	Hilgers	Linehan	Stinner
Bostelman	Crawford	Hilkemann	Lowe	Vargas
Brasch	Erdman	Hughes	McDonnell	Watermeier
Brewer	Geist	Kolterman	Murante	Williams
Briese	Groene	Kuehn	Scheer	Wishart

Present and not voting, 7:

Baker	Chambers	Harr	McCollister
Bolz	Friesen	Lindstrom	

Excused and not voting, 1:

Riepe

The Krist motion to return failed with 11 ayes, 30 nays, 7 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion:

MO33

Reconsider the vote taken to return the bill to Select File.

**SENATOR LINDSTROM PRESIDING**

**SPEAKER SCHEER PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 40 ayes, 3 nays, and 6 not voting.

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

Voting in the affirmative, 9:

Blood	Ebke	Howard	Krist	Schumacher
Chambers	Hansen	Kolowski	Quick	

Voting in the negative, 31:

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

Present and not voting, 8:

Baker	Harr	Morfeld	Walz
Bolz	McCollister	Pansing Brooks	Wayne

Excused and not voting, 1:

Riepe

The Chambers motion to reconsider failed with 9 ayes, 31 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**MOTION(S) - Bracket LB22**

Senator Chambers offered the following motion to LB22:

MO34

Bracket until February 27, 2017.

**SENATOR WATERMEIER PRESIDING****SPEAKER SCHEER PRESIDING**

Senator Stinner offered the following motion:

MO35

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Voting in the affirmative, 43:

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

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Baker	Kolowski	Krist	Wayne
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Excused and not voting, 1:

Riepe

The Stinner motion to invoke cloture prevailed with 43 ayes, 1 nay, 4 present and not voting, and 1 excused and not voting.

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

Voting in the affirmative, 2:

Chambers	Schumacher
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Voting in the negative, 42:

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

Present and not voting, 4:

Baker Hansen Kolowski Krist

Excused and not voting, 1:

Riepe

The Chambers motion to bracket failed with 2 ayes, 42 nays, 4 present and not voting, and 1 excused and not voting.

### **BILL ON FINAL READING**

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB22 with 42 ayes, 5 nays, 1 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 22.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB259A, section 2; Laws 2015, LB265A, section 1; Laws 2015, LB469A, section 1; Laws 2015, LB605A, section 8; Laws 2015, LB657, sections 11, 12, 13, 14, 15, 16, 17, 19, 21, 25, 26, 27, 28, 29, 34, 38, 39, 44, 51, 53, 54, 55, 56, 58, 64, 67, 68, 71, 80, 83, 84, 85, 90, 94, 95, 97, 99, 100, 101, 107, 108, 112, 113, 114, 119, 126, 127, 129, 131, 133, 134, 136, 137, 138, 139, 140, 145, 150, 152, 153, 154, 155, 163, 166, 167, 169, 174, 175, 178, 179, 188, 191, 192, 194, 195, 202, 204, 211, 213, 216, 218, 219, 221, 223, 224, 226, 232, 233, 234, 235, 237, 238, 239, 240, 241, 242, 244, 245, 247, 249, 256, and 260; Laws 2015, LB659, sections 7, 15, and 17; Laws 2015, LB660, sections 35 and 40; Laws 2016, LB746A, section 3; Laws 2016, LB956, sections 7, 10, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 55, 56, 61, 62, 63, 65, and 67; and Laws 2016, LB1038A, section 1; to define terms; to provide, change, and eliminate provisions relating to appropriations; to reduce appropriations; to state intent; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

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

Voting in the negative, 3:

Chambers      Krist              Quick

Present and not voting, 3:

Baker              Howard              Kolowski

Excused and not voting, 1:

Riepe

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 119 and 22.

**COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 368.** Placed on General File.

(Signed) Curt Friesen, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Room 1113

Friday, March 17, 2017 2:00 p.m.

LB366 (cancel)

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

LB366

(Signed) Laura Ebke, Chairperson

**PRESIDENT FOLEY PRESIDING****MOTION - Adopt Permanent Rules**

The Larson proposed rule change, found on page 419 and considered on pages 436, 446, and 460, to Rule 7, Sec. 10, as amended, was renewed.

Senator Chambers renewed his amendment, found on page 460, to the Larson proposed rule change.

Pending.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 13, 2017, at 11:42 a.m. were the following: LBs 119e and 22e.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Baker name added to LB122.  
Senator Pansing Brooks name added to LB355.  
Senator Ebke name added to LB447.  
Senator Halloran name added to LB506.  
Senator Murante name added to LB576.

**VISITOR(S)**

Visitors to the Chamber were members of the Nebraska Realtors Association and Leadership Academy; members of One World: Olha Artemieva, Ivanna Fedkeo, Svetlana Ioffe, Yulia Ivaniv, Kateryna Sharag, and Alina Mosendz from Ukraine; and Alexander Keck from Lincoln.

The Doctor of the Day was Dr. Elizabeth Wooster from Lincoln.

**ADJOURNMENT**

At 11:53 a.m., on a motion by Senator Pansing Brooks, the Legislature adjourned until 9:00 a.m., Tuesday, February 14, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-NINTH DAY - FEBRUARY 14, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 14, 2017

**PRAYER**

The prayer was offered by Senator Quick.

**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 and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-eighth day was approved.

**NOTICE OF COMMITTEE HEARING(S)**

Revenue

Room 1524

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

LB322 (cancel)  
LB385 (cancel)  
LB555 (cancel)

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

LB313  
LB312  
LB563

Wednesday, March 1, 2017 9:30 a.m.

LB322  
LB385  
LB555

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

LB326  
LB633  
LB400  
LB531

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

LB272  
LB475  
LB528  
LB228

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

LB443  
LB561  
LB557  
LB616

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

LB570  
LB572  
LB576  
LB599

(Signed) Jim Smith, Chairperson

**COMMITTEE REPORT(S)**

Judiciary

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

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

Aye: 8 Baker, Chambers, Ebke, Halloran, Hansen, Krist, Morfeld,  
Pansing Brooks. Nay: 0. Absent: 0. Present and not voting: 0.

**LEGISLATIVE BILL 160.** Placed on General File.  
**LEGISLATIVE BILL 198.** Placed on General File.  
**LEGISLATIVE BILL 447.** Placed on General File.



**LEGISLATIVE BILL 39.** Placed on General File with amendment.

AM133

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

2 sections:

3 Section 1. Section 28-101, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 28-101 Sections 28-101 to 28-1357, 28-1418.01, 28-1429.03, and

6 28-1601 to 28-1603 and section 2 of this act shall be known and may be

7 cited as the Nebraska Criminal Code.

8 Sec. 2. (1) For purposes of this section, ivory means the tusk of

9 any species of elephant or mammoth or any piece thereof, and the horn of

10 any species of rhinoceros, or any piece thereof. The term ivory includes

11 both raw ivory and worked ivory and includes any item containing or

12 advertised as containing ivory.

13 (2) Except as provided in subsection (3) of this section, it is

14 unlawful to purchase, sell, possess with intent to sell, offer for sale,

15 trade, or barter ivory. Any person who violates this section shall be

16 guilty of a Class II misdemeanor. Ivory used in violation of this section

17 is contraband, shall be subject to seizure, and shall be disposed of

18 pursuant to section 29-820.

19 (3) The prohibitions set forth in subsection (2) of this section

20 shall not apply to:

21 (a) Any activity authorized by an exemption or permit under federal

22 law or that is otherwise expressly authorized under federal law;

23 (b) Musical instruments containing ivory if:

24 (i) The ivory in such instrument is less than twenty percent of the

25 volume of such instrument;

26 (ii) The ivory is a fixed or integral component or components of the

27 instrument as a whole and the ivory does not, in its current form,

1 account for more than twenty percent of the value of the instrument;

2 (iii) The instrument was manufactured or created before 1975; and

3 (iv) The owner or seller provides historical documentation

4 demonstrating provenance and showing the instrument was manufactured or

5 created before 1975;

6 (c) A bona fide antique containing ivory if:

7 (i) The antique is at least one hundred years old at the time of the

8 transaction;

9 (ii) The owner or seller provides historical documentation

10 demonstrating provenance and showing the item was manufactured or created

11 at least one hundred years prior to such time;

12 (iii) The ivory component or components do not account for more than

13 twenty percent of the volume of the antique; and

14 (iv) The ivory is a fixed or integral component or components of the

15 antique as a whole and the ivory does not, in its current form, account

16 for more than twenty percent of the value of the antique;

17 (d) Acquisition or distribution for educational or scientific

18 purposes by a bona fide educational or scientific institution, including

19 a museum;

20 (e) An employee or agent of federal, state, or local government

21 undertaking a law enforcement activity pursuant to federal or state law  
22 or a mandatory duty required by law; and

23 (f) Firearms, knives, or their component parts containing ivory.

24 Sec. 3. Section 29-820, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 29-820 (1) Unless other disposition is specifically provided by law,  
27 when property seized or held is no longer required as evidence, it shall  
28 be disposed of by the law enforcement agency on such showing as the law  
29 enforcement agency may deem adequate, as follows:

30 (a) Property stolen, embezzled, obtained by false pretenses, or  
31 otherwise obtained unlawfully from the rightful owner thereof shall be  
1 restored to the owner;

2 (b) Money shall be restored to the owner unless it was used in  
3 unlawful gambling or lotteries or it was used or intended to be used to  
4 facilitate a violation of Chapter 28, article 4, in which case the money  
5 shall be forfeited and disposed of as required by Article VII, section 7,  
6 of the Constitution of Nebraska;

7 (c) Property which is unclaimed or the ownership of which is unknown  
8 shall be sold at a public auction held by the officer having custody  
9 thereof and the net proceeds disposed of as provided in subdivision (b)  
10 of this subsection, as shall any money which is unclaimed or the  
11 ownership of which is unknown;

12 (d) Except as provided in subsections ~~subsection~~ (2) and (3) of this  
13 section, articles of contraband shall be destroyed;

14 (e) Firearms, ammunition, explosives, bombs, and like devices which  
15 have been used in the commission of crime shall be destroyed; and

16 (f) Firearms which have come into the law enforcement agency's  
17 possession through a seizure or otherwise and (i) have not been used in  
18 the commission of crime, (ii) have not been defaced or altered in any  
19 manner that violates any state or federal law, (iii) may have a lawful  
20 use and be lawfully possessed, and (iv) are not subject to section 29-440  
21 shall be restored to the owner.

22 (2) When the following property is seized or held and is no longer  
23 required as evidence, such property shall be disposed of on order of the  
24 court as the court may deem adequate:

25 Goods which are declared to be contraband but may reasonably be  
26 returned to a condition or state in which such goods may be lawfully  
27 used, possessed, or distributed by the public.

28 (3) Ivory used in violation of section 2 of this act which is seized  
29 or held and is no longer required as evidence may, by order of the court,  
30 be donated to a bona fide educational or scientific institution,

31 including a museum, for educational or research purposes or to raise  
1 awareness of the trafficking and threatened nature of endangered animals,  
2 unless otherwise prohibited under state and federal law. The recipient of  
3 such donation shall pay any costs associated with receiving such  
4 donation. If such donation is not feasible, such ivory shall be destroyed  
5 or placed in storage as the court may direct.

6 (4) (~~3~~) When any animal as defined by section 28-1008 is seized or  
7 held and is no longer required as evidence, such animal may be disposed

8 of in such manner as the court may direct. The court may consider  
 9 adoption alternatives through humane societies or comparable institutions  
 10 and the protection of such animal's welfare. For a humane society or  
 11 comparable institution to be considered as an adoption alternative under  
 12 this subsection, it must first be licensed by the Department of  
 13 Agriculture as having passed the inspection requirements in the  
 14 Commercial Dog and Cat Operator Inspection Act and paid the fee for  
 15 inspection under the act. The court may prohibit an adopting or  
 16 purchasing party from selling such animal for a period not to exceed one  
 17 year.  
 18 ~~(5)~~ (4) Unless otherwise provided by law, all other property shall  
 19 be disposed of in such manner as the court in its sound discretion shall  
 20 direct.  
 21 Sec. 4. Original sections 28-101 and 29-820, Reissue Revised  
 22 Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 122.** Placed on General File with amendment.  
 AM223

1 1. On page 2, line 2, strike "eighteen" and insert "nineteen"; in  
 2 line 8 strike "or" and after "sibling" insert ", aunt, uncle, niece,  
 3 nephew, cousin, or domestic partner"; in line 18 after "member" insert ",  
 4 unless such action is authorized by a nursing home administrator pursuant  
 5 to section 71-6021"; and strike lines 19 through 23 and insert the  
 6 following new subsection:  
 7 "(2) If a family member is being denied visitation with a resident,  
 8 the family member may petition the county court to compel visitation with  
 9 the resident. If the resident has been appointed a guardian under the  
 10 jurisdiction of a county court in Nebraska, the petition shall be filed  
 11 in the county court having such jurisdiction. If there is no such  
 12 guardianship, the petition shall be filed in the county court for the  
 13 county in which the resident resides. The court may not issue an order  
 14 compelling visitation if the court finds any of the following:".

(Signed) Laura Ebke, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR32 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR32.

**MOTION - Adopt Permanent Rules**

Senator Chambers withdrew his amendment, found on page 460 and considered on page 470, to the Larson proposed rule change, to Rule 7, Sec. 10.

Senator Larson asked unanimous consent to withdraw his proposed rule change, found on page 419 and considered on pages 436, 446, 460, and 470, to Rule 7, Sec. 10, as amended. No objections. So ordered.

Senator Brewer offered the following proposed rule change:

**Amend Rule 7, Sec. 1(b)**

Insert "Pledge of Allegiance" after "a. Prayer by the Chaplain"

Senator Brewer asked unanimous consent to withdraw his proposed rule change, found in this day's Journal, and replace it with the following substitute proposed rule change. No objections. So ordered.

**Amend Rule 7, Sec. 10.**

**Sec. 10. Cloture.** At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for cloture to the presiding officer; however, the presiding officer may rule such motion for cloture out of order if, in the presiding officer's opinion, a full and fair debate has not been afforded. Such ruling by the presiding officer shall not be subject to challenge. Whenever a motion for cloture is offered, the presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the cloture motion shall be taken immediately. A two-thirds majority of ~~the elected members~~ those members present and voting or a majority of the elected members, whichever is greater, shall be required for the cloture motion to be successful. The requirement for cloture needed for the majority of members present and voting is as follows:

<u>Members Present and Voting</u>	<u>Vote Required</u>
<u>49</u>	<u>33</u>
<u>48</u>	<u>32</u>
<u>47</u>	<u>31</u>
<u>46</u>	<u>31</u>
<u>45</u>	<u>30</u>
<u>44</u>	<u>29</u>
<u>43</u>	<u>29</u>
<u>42</u>	<u>28</u>
<u>41</u>	<u>27</u>
<u>40</u>	<u>27</u>
<u>39</u>	<u>26</u>
<u>38 and fewer</u>	<u>25</u>

A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the pending matter shall be taken immediately, without debate. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the

original amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered. Finally, a vote on the advancement of the bill shall be taken.

A motion for cloture shall have precedence over all other motions except a motion to recess or adjourn.

A motion for cloture which fails for lack of sufficient votes shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture shall not be in order until two additional hours of debate on the bill has occurred. If the presiding officer rejects a motion for cloture on a bill due to lack of full and fair debate, successive motions for cloture on the bill may be offered at any time.

Senator Krist offered the following amendment to the Brewer proposed rule change:

**Amend Rule 7, Sec. 10.**

**Sec. 10. Cloture.** At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for cloture to the presiding officer; however, the presiding officer may rule such motion for cloture out of order if, in the presiding officer's opinion, a full and fair debate has not been afforded. Such ruling by the presiding officer shall not be subject to challenge. Whenever a motion for cloture is offered, the presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the cloture motion shall be taken immediately. A two-thirds majority of ~~the elected members~~ those members present and voting or a ~~majority~~ three-fifths vote of the ~~elected members, whichever is greater,~~ shall be required for the cloture motion to be successful. The requirement for cloture needed for the majority of members present and voting is as follows:

<u>Members Present and Voting</u>	<u>Vote Required</u>
<u>49</u>	<u>33</u>
<u>48</u>	<u>32</u>
<u>47</u>	<u>31</u>
<u>46</u>	<u>31</u>
<u>45</u>	<u>30</u>
<u>44</u>	<u>29 30</u>
<u>43</u>	<u>29 30</u>
<u>42</u>	<u>28 30</u>
<u>41</u>	<u>27 30</u>
<u>40</u>	<u>27 30</u>
<u>39</u>	<u>26 30</u>
<u>38 and fewer</u>	<u>25 30</u>

A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the pending matter shall be taken immediately, without debate. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered. Finally, a vote on the advancement of the bill shall be taken.

A motion for cloture shall have precedence over all other motions except a motion to recess or adjourn.

A motion for cloture which fails for lack of sufficient votes shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture shall not be in order until two additional hours of debate on the bill has occurred. If the presiding officer rejects a motion for cloture on a bill due to lack of full and fair debate, successive motions for cloture on the bill may be offered at any time.

Pending.

#### **MOTION - Adopt Temporary Rules**

Senator Scheer moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the thirty-first legislative day.

Senator Williams offered the following amendment to the temporary rules: Amend the Scheer motion to adopt the temporary rules by striking "thirty-first" and inserting "ninetieth".

Senator Krist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 6 nays, and 15 not voting.

Senator Williams moved for a call of the house. The motion prevailed with 40 ayes, 1 nay, and 8 not voting.

Senator Williams requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 23:

Baker	Hansen	Krist	Quick	Wayne
Blood	Hilkemann	McCollister	Schumacher	Williams
Bolz	Howard	McDonnell	Stinner	Wishart
Chambers	Kolowski	Morfeld	Vargas	
Crawford	Kolterman	Pansing Brooks	Walz	

Voting in the negative, 25:

Albrecht	Clements	Geist	Kuehn	Murante
Bostelman	Craighead	Groene	Larson	Riepe
Brasch	Ebke	Halloran	Lindstrom	Scheer
Brewer	Erdman	Hilgers	Linehan	Smith
Briese	Friesen	Hughes	Lowe	Watermeier

Present and not voting, 1:

Harr

The Williams amendment lost with 23 ayes, 25 nays, and 1 present and not voting.

The Chair declared the call raised.

Senator Scheer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 4 nays, and 14 not voting.

Senator Chambers requested a roll call vote on the Scheer motion to adopt temporary rules.

The Scheer motion to adopt temporary rules prevailed with 33 ayes, 8 nays, and 8 present and not voting.

**MOTION - Adopt Permanent Rules**

The Krist amendment, found in this day's Journal, to the Brewer proposed rule change, to Rule 7, Sec. 10, was renewed.

Pending.

**COMMITTEE REPORT(S)**  
Executive Board

**LEGISLATIVE BILL 539.** Placed on General File.

(Signed) Dan Watermeier, Chairperson

Health and Human Services

**LEGISLATIVE BILL 323.** Placed on General File.

(Signed) Merv Riepe, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Transportation and Telecommunications

Room 1113

Tuesday, February 21, 2017 2:00 p.m.

Dennis Schworer - Motor Vehicle Industry Licensing Board

(Signed) Curt Friesen, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Pansing Brooks name added to LB194.  
Senator Erdman name added to LB404.  
Senator Hilgers name added to LB506.  
Senator Hilkemann name added to LB506.  
Senator Lowe name added to LB639.**MOTION(S) - Recess**

Senator Chambers moved to recess until 3:00 p.m.

The motion failed.

**VISITOR(S)**

Visitors to the Chamber were members of Leadership Wayne; members of Leadership Sarpy; and members of Planned Parenthood of the Heartland.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Speaker Scheer, the Legislature adjourned until 9:00 a.m., Wednesday, February 15, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTIETH DAY - FEBRUARY 15, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 15, 2017

**PRAYER**

The prayer was offered by Senator Linehan.

**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 Briese who was excused; and Senators Bolz, Bostelman, Krist, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 461, line 8, correct spelling of "stricken".  
The Journal for the twenty-seventh day was approved as corrected.

The Journal for the twenty-ninth day was approved.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 36.** Introduced by Kolterman, 24.

WHEREAS, Dr. Ron Wallman, DVM, was honored for his dedication to the practice of veterinary medicine with the Veterinarian of the Year Award for 2016 by the Nebraska Veterinary Medical Association; and

WHEREAS, the Nebraska Veterinary Medical Association promotes animal health, public safety, and human-animal relationships through professional development, networking, and communications; and

WHEREAS, Dr. Wallman practices at the Seward Animal Hospital; and

WHEREAS, Dr. Wallman received his Doctorate of Veterinary Medicine from Iowa State University in 1982; and

WHEREAS, Dr. Wallman is the past president of the Nebraska Veterinary Medical Association and currently serves on the Continuing Education Committee and as the chair of the University Liaison Committee. Dr. Wallman is also a member of the American Veterinary Medical Association,

American Association of Bovine Practitioners, and the Academy of Veterinary Consultants; and

WHEREAS, Dr. Wallman contributes to his community by serving as president of the Seward County Agricultural Society, as a member of the board of directors for the Blue River Pet Rescue, as a long-time member of the Planning Commission of the City of Seward, as past president of the Seward Rotary Club, and as an active member of Seward's Faith Lutheran Church.

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

1. That the Legislature congratulates Dr. Ron Wallman for being selected by his peers as Veterinarian of the Year for 2016.
2. That a copy of this resolution be sent to Dr. Wallman.

Laid over.

#### **EXPLANATION(S) OF VOTE(S)**

Had I been present, I would have voted "aye" on final passage of LBs 119 and 22.

(Signed) Merv Riepe

#### **MOTION(S) - Withdraw LB419**

Senator McCollister renewed his motion, MO23, found on page 353 and considered on page 371, to withdraw LB419.

The McCollister motion to withdraw the bill prevailed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

#### **MOTION(S) - Rerefer LB644**

Senator Chambers offered his motion, MO18, found on page 332, to rerefer LB644 to the Judiciary Committee.

#### **PRESIDENT FOLEY PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Senator Chambers requested a roll call vote on the motion to rerefer to the Judiciary Committee.

Voting in the affirmative, 14:

Baker	Crawford	Howard	McCollister	Schumacher
Blood	Hansen	Kolowski	Pansing Brooks	Walz
Chambers	Harr	Krist	Quick	

Voting in the negative, 28:

Albrecht	Friesen	Hughes	Lowe	Stinner
Bostelman	Geist	Kolterman	McDonnell	Watermeier
Brasch	Groene	Kuehn	Murante	Wayne
Brewer	Halloran	Larson	Riepe	Wishart
Clements	Hilgers	Lindstrom	Scheer	
Erdman	Hilkemann	Linehan	Smith	

Present and not voting, 4:

Bolz	Ebke	Morfeld	Williams
------	------	---------	----------

Absent and not voting, 1:

Vargas

Excused and not voting, 2:

Briese	Craighead
--------	-----------

The Chambers motion to rerefer to the Judiciary Committee failed with 14 ayes, 28 nays, 4 present and not voting, 1 absent and not voting, and 2 excused and not voting.

#### **MOTION - Adopt Temporary Rules**

Senator Scheer moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the fiftieth legislative day.

The Chair declared the call raised.

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Senator Chambers requested a roll call vote on the motion to adopt the temporary rules.

Voting in the affirmative, 45:

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

Voting in the negative, 1:

Lowe

Present and not voting, 2:

Chambers      Wayne

Excused and not voting, 1:

Briese

The Scheer motion to adopt the temporary rules prevailed with 45 ayes, 1 nay, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

#### **COMMITTEE REPORT(S)**

Health and Human Services

**LEGISLATIVE BILL 267.** Placed on General File with amendment.

AM41

1 1. On page 2, line 17, after "for" insert "(a)"; and in line 18  
 2 strike "employees" through "inpatients" and insert "residents and (b)  
 3 influenza to all employees".

(Signed) Merv Riepe, Chairperson

Urban Affairs

**LEGISLATIVE BILL 9.** Placed on General File.

**LEGISLATIVE BILL 97.** Placed on General File.

**LEGISLATIVE BILL 614.** Placed on General File.

**LEGISLATIVE BILL 590.** Placed on General File with amendment.

AM200

1 1. Insert the following new section:  
 2 Sec. 5. Since an emergency exists, this act takes effect when  
 3 passed and approved according to law.

(Signed) Justin Wayne, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Arch, Cameron - Nebraska Commission on Problem Gambling - General  
Affairs  
DeFusco, Richard - Nebraska Investment Council - Nebraska Retirement  
Systems  
McPheeters, Scott - Nebraska Ethanol Board - Natural Resources

(Signed) Dan Watermeier, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARING(S)**  
Natural Resources

Room 1525

Wednesday, March 1, 2017 9:15 a.m.

LB547 (cancel)

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

LB547

(Signed) Dan Hughes, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

February 15, 2017

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 22e and 119e were received in my office on  
February 13, 2017.

These bills were signed and delivered to the Secretary of State on  
February 15, 2017.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Morfeld has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Linehan name added to LB602.

**VISITOR(S)**

Visitors to the Chamber were members of Leadership York and Leadership Beatrice; 36 twelfth-grade students and teachers from Syracuse High School; members of Hamilton County Leadership Tomorrow class of 2016-17; members of Leadership Fremont; members of Merrick County Leading Locally; Senator Hilkemann's wife, Julie, from Omaha and Jean McFarland from Grand Island; and Jan Vermilyea and Judy Nelson from Omaha.

The Doctor of the Day was Dr. Richard Gustafson from Lincoln.

**ADJOURNMENT**

At 11:46 a.m., on a motion by Senator Krist, the Legislature adjourned until 9:00 a.m., Thursday, February 16, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-FIRST DAY - FEBRUARY 16, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 16, 2017

**PRAYER**

The prayer was offered by Pastor Rob Clay, Imperial Bible Church, Imperial.

**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 Senator Briese who was excused; and Senators Friesen, Groene, Larson, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirtieth day was approved.

**NOTICE OF COMMITTEE HEARING(S)**

Appropriations

Room 1524

Monday, February 27, 2017 1:30 p.m.

Agency 51 - University of Nebraska System  
LB71  
LB242  
LB302  
LB303  
LB514

Tuesday, February 28, 2017 1:30 p.m.

Agency 24 - Motor Vehicles, Department of  
Agency 48 - Coordinating Commission for Postsecondary Education  
Agency 50 - Nebraska State College System  
Agency 83 - Community College Aid

Room 1003

Wednesday, March 1, 2017 9:30 a.m.

LB580

Agency 21 - State Fire Marshal

Agency 31 - Military Department

Agency 35 - Liquor Control Commission, Nebraska

Agency 64 - State Patrol, Nebraska

Agency 78 - Nebraska Commission on Law Enforcement and Criminal  
Justice

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

Agency 82 - Commission for the Deaf and Hard of Hearing

Agency 81 - Commission for the Blind and Visually Impaired

Agency 67 - Equal Opportunity Commission

Agency 68 - Latino-American Commission

Agency 70 - Foster Care Review Board, State

Agency 76 - Indian Commission, Nebraska

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

Agency 57 - Oil and Gas Conservation Commission, Nebraska

Agency 75 - Investment Council, Nebraska

Agency 93 - Tax Equalization and Review Commission

Agency 16 - Revenue, Department of

LB545

(Signed) John Stinner, Chairperson

**COMMUNICATION(S)**

February 15, 2017

Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. Clerk:

As Chairperson of the Special Committee regarding the Election Challenge to the Qualification of Senator Ernie Chambers filed by Mr. John Sciara, I hereby file with your office an Order to Show Cause. The Order to Show Cause has been send to both parties, pursuant to Rule 10, Sec. 4(c).

Sincerely,  
(Signed) Dan Watermeier



Chairman, Special Committee

C: Members of the Special Committee  
Enclosure - Order to Show Cause

**EXECUTIVE BOARD REPORT**

February 15, 2017

Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. Clerk:

The purpose of this letter is to provide notification for the Journal that the Executive Board met on November 3, 2016, and pursuant to §81-8,241, adopted a motion to recommend Marshall Lux for reappointment to a six-year term as the Public Counsel (Ombudsman) for the State of Nebraska. A vote of two-thirds of the members of the Legislature is required for approval of this appointment.

Sincerely,  
(Signed) Dan Watermeier  
Chairman, Executive Board

C: Marshall Lux, Ombudsman

**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>

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 15, 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

Hassebrook, Kristen  
We Support Agriculture  
Husch Blackwell LLP  
Coin Laundry Association c/o MultiState Associates Inc.

Jess, Fields  
 Texas Public Policy Foundation  
 Kissel/E&S Associates, LLC  
 General Motors LLC  
 Kruse, Dacia D.  
 Better Living Counseling Services  
 Pollock, Andy  
 DISH Network LLC  
 Radcliffe, Walter H. of Radcliffe and Associates  
 Retail Energy Supply Association

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 33, 34, and 35 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 33, 34, and 35.

### MOTION - Adopt Temporary Rules

Senator Chambers offered the following motion:  
 Reconsider the vote taken on the adoption of the temporary rules.

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

### COMMITTEE REPORT(S)

Banking, Commerce and Insurance

**LEGISLATIVE BILL 72.** Placed on General File.  
**LEGISLATIVE BILL 96.** Placed on General File.  
**LEGISLATIVE BILL 257.** Placed on General File.  
**LEGISLATIVE BILL 341.** Placed on General File.  
**LEGISLATIVE BILL 375.** Placed on General File.  
**LEGISLATIVE BILL 454.** Placed on General File.

**LEGISLATIVE BILL 92.** Placed on General File with amendment.  
 AM253

1 1. On page 2, strike beginning with "except" in line 4 through the  
 2 comma in line 6; and in line 12 after the period insert "This section  
 3 does not apply to any policy, certificate, contract, or plan that  
 4 provides coverage for a specified disease or other limited-benefit  
 5 coverage.".

(Signed) Brett Lindstrom, Chairperson

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 37.** Introduced by Kolowski, 31.

WHEREAS, Jacob Michael McNeill has been selected to attend the United States Senate Youth Program's 55th annual Washington Week as one of the two delegates from Nebraska; and

WHEREAS, the program was established in 1962 by a Senate Resolution to bring outstanding high school students who are interested in pursuing careers in public service to Washington, D.C., for an intensive week-long educational event; and

WHEREAS, each year two student delegates are selected for this extremely competitive merit-based program from each state, the District of Columbia, and the Department of Defense Education Activity; and

WHEREAS, student delegates will hear major policy addresses by senators, cabinet members, officials from the Departments of State and Defense and directors of other federal agencies, as well as participate in a meeting with a justice of the United States Supreme Court; and

WHEREAS, the Hearst Foundations provide transportation and all expenses for Washington Week and a \$10,000 undergraduate college scholarship for each delegate; and

WHEREAS, Jacob serves as senior class vice president, student council secretary, and captain of the congressional debate team at Elkhorn South High School, in addition to serving on both the Mayor's Youth Advisory Commission for Omaha Mayor Jean Stothert and Senator Deb Fischer's Omaha Youth Advisory Council; and

WHEREAS, Jacob plans to major in English at college, in preparation for a law degree.

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

1. That the Legislature congratulates Jacob McNeill for being chosen as a Nebraska delegate to the United States Senate Youth Program, and extends him best wishes for continued academic success and civic involvement.
2. That a copy of this resolution be sent to Mr. Jacob McNeill.

Laid over.

**LEGISLATIVE RESOLUTION 38.** Introduced by Kolowski, 31.

WHEREAS, National Speech and Debate Education Day is being celebrated on March 3, 2017; and

WHEREAS, National Speech and Debate Education Day was established by the National Speech & Debate Association in conjunction with national and local partners to promote better instruction in speech and debate across all grade levels and to highlight the pivotal roles these abilities play in personal advocacy, social movements, and public policy; and

WHEREAS, speech and debate education helps students develop important skills in communication, critical thinking, creativity, and

collaboration through the practice of public speaking and enables students not only to analyze and express complex ideas effectively, but also to listen, concur, question, or dissent with reason and compassion; and

WHEREAS, across the country, countless educators devote in-school, after-school, and weekend time to supporting their students in speech and debate practices and competitions, and the example of hard work and dedication these educators set has a lasting, positive impact on their pupils; and

WHEREAS, the skills learned through speech and debate serve students well throughout their lives, and this occasion presents a welcome opportunity to recognize such instruction as an essential component of a well-rounded curriculum.

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

1. That the Legislature recognizes March 3, 2017, as National Speech and Debate Education Day in the State of Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 39.** Introduced by McCollister, 20.

WHEREAS, engineers plan, design, and implement engineering works that propel the nation's economy, enhance our quality of life and safeguard America's infrastructure; and

WHEREAS, engineers face the major technological challenges of our time, from rebuilding towns devastated by natural disasters to improving the Internet infrastructure that supports so much of our economy. Engineers use their scientific and technical knowledge and skills in creative and innovative ways to fulfill society's needs; and

WHEREAS, engineers are encouraging our young math and science students to realize the practical power of their knowledge; and

WHEREAS, to meet the challenges of the future, we will look more than ever to engineers and their knowledge and skills to bridge the gap between science, theory and practical application; and

WHEREAS, President George Washington is known as the nation's first engineer for his service as a military engineer and surveyor; and

WHEREAS, National Engineers Week was founded in 1951 and is celebrated during the week of Washington's birthday.

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

1. That the Legislature recognizes the contributions and achievements of Nebraska's engineers and recognizes February 19-25, 2017, as Engineers Week in Nebraska.

2. That a copy of this resolution be delivered to the American Council of Engineering Companies of Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 40.** Introduced by Halloran, 33.

WHEREAS, Ryan Woitalewicz, a senior at Wood River 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, Mr. Woitalewicz earned this honor by giving generously of his time and energy to Wood River's after-school program for elementary students, providing daily help with homework and physical education activities; 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 Mr. Woitalewicz 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 Ryan Woitalewicz as a Nebraska Distinguished Finalist for the 2017 Prudential Spirit of Community Award.

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

3. That a copy of this resolution be sent to Mr. Woitalewicz.

Laid over.

**NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Monday, February 27, 2017 1:30 p.m.

LB398

LB569

LB490

Tuesday, February 28, 2017 1:30 p.m.

LB521

LB511

LB512

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

LB634  
LB409  
LB484

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

LB651  
LB662

Tuesday, March 14, 2017 1:30 p.m.

LB630  
LB650  
LB568

Monday, March 20, 2017 1:30 p.m.

LB155  
LB308  
LB14

(Signed) Mike Groene, Chairperson

#### **GENERAL FILE**

**LEGISLATIVE BILL 74.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 131.** Title read. Considered.

Senator Krist requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Albrecht	Crawford	Hughes	McCollister	Vargas
Baker	Ebke	Kolowski	McDonnell	Walz
Bolz	Geist	Kolterman	Morfeld	Wayne
Bostelman	Hansen	Krist	Pansing Brooks	Williams
Brewer	Hilgers	Kuehn	Schumacher	Wishart
Chambers	Hilkemann	Lindstrom	Smith	
Craighead	Howard	Lowe	Stinner	

Voting in the negative, 0.

Present and not voting, 13:

Blood	Erdman	Larson	Quick	Watermeier
Brasch	Halloran	Linehan	Riepe	
Clements	Harr	Murante	Scheer	

Excused and not voting, 3:

Briese	Friesen	Groene
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Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 132.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 5 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 133.** Title read. Considered.

Senator Albrecht moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

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

Voting in the affirmative, 39:

Baker	Ebke	Hughes	McDonnell	Smith
Blood	Friesen	Kolowski	Morfeld	Stinner
Bostelman	Geist	Kolterman	Murante	Vargas
Brewer	Hansen	Krist	Pansing Brooks	Walz
Chambers	Harr	Kuehn	Quick	Wayne
Clements	Hilgers	Lindstrom	Riepe	Williams
Craighead	Hilkemann	Linehan	Scheer	Wishart
Crawford	Howard	McCollister	Schumacher	

Voting in the negative, 5:

Albrecht	Brasch	Erdman	Halloran	Lowe
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Absent and not voting, 1:

Larson

Excused and not voting, 4:

Bolz	Briese	Groene	Watermeier
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Advanced to Enrollment and Review Initial with 39 ayes, 5 nays, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 113.** Title read. Considered.

**SPEAKER SCHEER PRESIDING**

Committee AM5, found on page 294, was offered.

**SENATOR KRIST PRESIDING**

The committee amendment was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 18.** Title read. Considered.

Senator Kolterman offered the following amendment:

AM24

1 1. On page 14, line 12, strike "any".

2 2. Insert the following new section:

3 "Sec. 23. This act becomes operative on January 1, 2018.".

4 3. Renumber the remaining section accordingly.

Pending.

**NOTICE OF COMMITTEE HEARING(S)**

Appropriations

Room 1524

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

Agency 5 - Supreme Court

Agency 11 - Attorney General

Agency 94 - Public Advocacy, Commission on

Agency 15 - Parole, Nebraska Board of

Agency 46 - Correctional Services, Department of

LB378

LB538

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

LB270

LB465

Agency 13 - Education, Department of

Agency 32 - Educational Lands and Funds, Board of

Agency 34 - Library Commission, Nebraska

LB221

Agency 29 - Natural Resources, Department of



Room 1003

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

Agency 72 - Economic Development, Department of  
Agency 91 - Nebraska Tourism Commission  
Agency 54 - Historical Society, Nebraska State  
Agency 52 - State Fair Board  
LB115  
LB281  
LB379  
LB620

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

Agency 19 - Banking, Department of  
Agency 22 - Insurance, Department of  
Agency 87 - Accountability and Disclosure Commission  
Agency 65 - Administrative Services, Department of  
LB611

Room 1524

Monday, March 13, 2017 1:30 p.m.

Agency 25 - Health and Human Services  
Note: (Operations, Medicaid and Long Term Care, Public  
Health, Veterans Homes Divisions)  
LB513

Tuesday, March 14, 2017 1:30 p.m.

Agency 25 - Health and Human Services  
Note: (Division of Developmental Disabilities, Children and  
Family Services, Behavioral Health)  
LB189  
LB205  
LB206  
LB493

Room 1003

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

LB356  
Agency 69 - Arts Council, Nebraska  
Agency 84 - Environmental Quality, Department of  
Agency 71 - Nebraska Energy Office  
Agency 33 - Game and Parks Commission

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

Agency 40 - Motor Vehicle Licensing Board, Nebraska  
Agency 17 - Aeronautics, Department of  
Agency 27 - Roads, Department of  
Agency 47 - Educational Telecommunications Commission, Nebraska

Friday, March 17, 2017 1:30 p.m.

LB524

LB621

LB149

Agency 7 - Governor

Agency 8 - Lieutenant Governor

Agency 9 - Secretary of State

Agency 10 - Auditor of Public Accounts

Agency 12 - State Treasurer

Agency 14 - Public Service Commission

Agency 3 - Legislative Council

(Signed) John Stinner, Chairperson

#### **COMMITTEE REPORT(S)**

Agriculture

**LEGISLATIVE BILL 348.** Indefinitely postponed.

(Signed) Lydia Brasch, Chairperson

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 41.** Introduced by Hilkemann, 4;  
Linehan, 39.

WHEREAS, the Elkhorn South High School softball team defeated Gretna High School to win the Class B State Softball Championship; and

WHEREAS, this win was the Elkhorn South Storm's first state title in softball; and

WHEREAS, the Elkhorn South Storm defeated the Gretna Dragons by a score of 9-2 in the final game; 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 Elkhorn South Storm for their outstanding season and for winning the 2016 Class B State Softball Championship.

2. That a copy of this resolution be sent to the Elkhorn South Storm and Coach Terry Graver.

Laid over.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Murante name added to LB59.  
Senator Erdman name added to LB368.  
Senator Ebke name added to LB576.

**VISITOR(S)**

Visitors to the Chamber were 14 fourth-grade students from Trinity Lutheran, Lincoln; Jessi Hitchins, Jeff Horger, and Dan Hawkins; members of Elkhorn Rural Public Power District and Stanton Rural Public Power District; and former Senator Mark Christensen from Imperial.

The Doctor of the Day was Dr. Roger Meyer from Utica.

**ADJOURNMENT**

At 11:53 a.m., on a motion by Senator Hansen, the Legislature adjourned until 9:00 a.m., Tuesday, February 21, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-SECOND DAY - FEBRUARY 21, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 21, 2017

**PRAYER**

The prayer was offered by Pastor Adam Stahr, Two Pillars Church, Lincoln.

**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 Hansen, Harr, Kuehn, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-first day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 74.** Placed on Select File.

**LEGISLATIVE BILL 131.** Placed on Select File.

**LEGISLATIVE BILL 132.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 607.** Indefinitely postponed.

(Signed) Jim Smith, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 42.** Introduced by Stinner, 48.

WHEREAS, Daeton Blanco, Mark Karpf, and Riley Gaudreault, members of Troop 17 of Gering, have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, Daeton, Mark, and Riley have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Daeton, Mark, and Riley, through their hard work and perseverance, have joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Daeton Blanco, Mark Karpf, and Riley Gaudreault on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Daeton Blanco, Mark Karpf, and Riley Gaudreault.

Laid over.

**MOTION(S) - Confirmation Report(s)**

Senator Brasch moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 412:

Nebraska State Fair Board  
Dennis Hoffman

Voting in the affirmative, 38:

Albrecht	Craighead	Howard	Lowe	Smith
Baker	Ebke	Hughes	McCollister	Vargas
Blood	Erdman	Kolowski	Murante	Walz
Brasch	Friesen	Kolterman	Pansing Brooks	Watermeier
Brewer	Geist	Krist	Quick	Williams
Briese	Groene	Larson	Riepe	Wishart
Chambers	Hilgers	Lindstrom	Scheer	
Clements	Hilkemann	Linehan	Schumacher	

Voting in the negative, 0.

Present and not voting, 7:

Bolz	Crawford	McDonnell	Wayne
Bostelman	Halloran	Stinner	

Excused and not voting, 4:

Hansen	Harr	Kuehn	Morfeld
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The appointment was confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 461:

Nebraska Ethanol Board  
Randy Gard

Voting in the affirmative, 39:

Albrecht	Clements	Hilkemann	Lowe	Smith
Baker	Craighead	Howard	McCollister	Stinner
Blood	Ebke	Hughes	McDonnell	Vargas
Bostelman	Erdman	Kolowski	Pansing Brooks	Walz
Brasch	Friesen	Kolterman	Quick	Watermeier
Brewer	Geist	Krist	Riepe	Wayne
Briese	Groene	Lindstrom	Scheer	Williams
Chambers	Hilgers	Linehan	Schumacher	

Voting in the negative, 0.

Present and not voting, 6:

Bolz	Halloran	Murante
Crawford	Larson	Wishart

Excused and not voting, 4:

Hansen	Harr	Kuehn	Morfeld
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The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Ebke moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 472:

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

Voting in the affirmative, 36:

Albrecht	Craighead	Hilgers	McCollister	Vargas
Baker	Crawford	Hilkemann	McDonnell	Walz
Blood	Ebke	Hughes	Pansing Brooks	Watermeier
Brasch	Erdman	Kolowski	Quick	Williams
Brewer	Friesen	Kolterman	Riepe	
Briese	Geist	Lindstrom	Scheer	
Chambers	Groene	Linehan	Schumacher	
Clements	Halloran	Lowe	Smith	

Voting in the negative, 0.

Present and not voting, 9:

Bolz	Howard	Larson	Stinner	Wishart
Bostelman	Krist	Murante	Wayne	

Excused and not voting, 4:

Hansen	Harr	Kuehn	Morfeld
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The appointments were confirmed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

#### **MOTION - Ombudsman Appointment**

Senator Watermeier moved the reappointment, found on page 489, of Marshall Lux as Public Counsel (Ombudsman), and asks that the Legislature vote its approval as required by Section 81-8,241. A two-thirds vote is required.

The motion prevailed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

#### **GENERAL FILE**

**LEGISLATIVE BILL 18.** Senator Kolterman renewed his amendment, AM24, found on page 496.

The Kolterman amendment was adopted with 44 ayes, 0 nays, 3 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.



**LEGISLATIVE BILL 18A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 19.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 29.** 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 94.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 62.** Title read. Considered.

Senator Chambers offered the following amendment:

FA27

Page 2, line 1 strike and show as stricken "sections are" and insert "section is"; strike "Sections" and insert "Section"; in line 2 strike and show as stricken "and 79-899".

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Friesen

Voting in the negative, 38:

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

Present and not voting, 9:

Bolz            Harr            McCollister    Schumacher    Wayne  
 Chambers      Howard        Pansing Brooks    Vargas

Excused and not voting, 1:

Kolowski

The Chambers amendment lost with 1 aye, 38 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO36

Reconsider the vote taken on FA27.

#### **SENATOR KRIST PRESIDING**

Senator Chambers asked unanimous consent to withdraw his motion, MO36, to reconsider the vote. No objections. So ordered.

Pending.

#### **COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 346.** Placed on General File.

**LEGISLATIVE BILL 355.** Placed on General File with amendment. AM311 is available in the Bill Room.

(Signed) Curt Friesen, Chairperson

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 43.** Introduced by Clements, 2.

WHEREAS, Elmwood-Murdock Public Schools received a rating of "excellent" from the Nebraska Department of Education in the department's most recent assessment of Nebraska schools under the new Accountability for a Quality Education System, Today and Tomorrow (AQuESTT) formula; and

WHEREAS, out of more than 240 school districts from across the state, Elmwood-Murdock was one of only eight districts to receive a rating of excellent, which is the highest possible AQuESTT rating; and

WHEREAS, this rating was based on the performance of both Elmwood-Murdock Elementary School and Elmwood-Murdock Junior-Senior High School; and

WHEREAS, the AQuESTT rating is based on state test scores, graduation rates, student participation rates, and year-to-year improvement and growth. The AQuESTT rating also recognizes schools and districts that support student success through all levels of education; and

WHEREAS, this elite honor is a testament to the dedication, hard work, and skills of the faculty and students of Elmwood-Murdock Public Schools.

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

1. That the Legislature commends the faculty and students of Elmwood-Murdock Public Schools for their commitment to excellence in education.

2. That a copy of this resolution be sent to Elmwood-Murdock Superintendent Dan Novak.

Laid over.

**LEGISLATIVE RESOLUTION 44.** Introduced by Clements, 2.

WHEREAS, Mary DeGraff, a senior at Plattsmouth High School, has achieved national recognition for exemplary volunteer service by receiving a 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. DeGraff earned this honor by organizing support and raising money to provide Cass County with a pet disaster relief trailer, which will provide a safe place for pets in the event of a tornado, flood, or other natural disaster; 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. DeGraff 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 Mary DeGraff for receiving a 2017 Prudential Spirit of Community Award.

2. That the Legislature recognizes Ms. DeGraff'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. DeGraff.

Laid over.

**LEGISLATIVE RESOLUTION 45.** Introduced by Krist, 10.

WHEREAS, Ella Alberts, a seventh-grade student at Westside Middle School, has achieved national recognition for exemplary volunteer service by receiving a 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, Ella earned this award by giving generously of her time and energy over the past four years to collect more than \$1,300, along with hundreds of needed supplies, for animal shelters by operating an annual one-day lemonade stand; and

WHEREAS, Ella found other volunteers to assist her and promote support for animal shelters and other charities; 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 Ella 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 Ella Alberts for receiving a 2017 Prudential Spirit of Community Award.
2. That the Legislature recognizes Ella'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 Ella Alberts.

Laid over.

**ANNOUNCEMENT(S)**

Senator Riepe announced the Health and Human Services Committee will meet Friday, March 3, 2017, at 1:30 p.m. instead of 5:30 p.m. in Room 1510.

Senator Riepe announced the Health and Human Services Committee will meet Wednesday, March 22, 2017, at 2:00 p.m. instead of 1:30 p.m. in Room 1510.

**ANNOUNCEMENT(S)**

The General Affairs Committee designates LB470 as its priority bill.

**AMENDMENT(S) - Print in Journal**

Senator Krist filed the following amendment to LB11:

AM302

- 1 1. On page 3, strike lines 21 and 22 and insert the following new
- 2 subdivision:
- 3 "(c) An order granting or denying transfer of the case from county
- 4 or district court to juvenile court shall be considered a final order for
- 5 the purposes of appeal. Any party may appeal to the Court of Appeals
- 6 within ten days after an order is entered. Such review shall be advanced
- 7 on the court docket, without an extension of time granted to any party,
- 8 after which the Court of Appeals shall enter an order as quickly as
- 9 possible, affirming, reversing, or modifying the order submitted for
- 10 review. During the pendency of an appeal from an order transferring the
- 11 case to juvenile court, the juvenile court may enter temporary orders in
- 12 the best interests of the juvenile.".
- 13 2. On page 6, strike lines 8 and 9 and insert:
- 14 "An order granting or denying transfer of the case from juvenile
- 15 court to county or district court shall be considered a final order for
- 16 the purposes of appeal. Any party may appeal to the Court of Appeals
- 17 within ten days after an order is entered. Such review shall be advanced
- 18 on the court docket, without an extension of time granted to any party,
- 19 after which the Court of Appeals shall enter an order, as quickly as
- 20 possible, affirming, reversing, or modifying the order submitted for
- 21 review.".

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Linehan name added to LB88.

Senator Hilkemann name added to LB289.

Senator Linehan name added to LB342.

**VISITOR(S)**

Visitors to the Chamber were members of Leadership Lincoln County from North Platte; members of the League of Women Voters of Nebraska; and members of Odego Leadership group from Fillmore County.

The Doctor of the Day was Dr. Christi Keim from Lincoln.

**ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Riepe, the Legislature adjourned until 9:00 a.m., Wednesday, February 22, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-THIRD DAY - FEBRUARY 22, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 22, 2017

**PRAYER**

The prayer was offered by Senator Watermeier.

**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, Friesen, Groene, and Kolterman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-second day was approved.

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 193.** Placed on General File with amendment.  
AM221

- 1 1. Strike original sections 60, 71, 74, 75, 76, 87, and 90.
- 2 2. On page 3, strike lines 13 through 15, show as stricken, and
- 3 insert:
- 4 "(a) Deposit with the city clerk a docket fee of the district court
- 5 for cases originally commenced in district court;".
- 6 3. On page 4, line 21, strike the new matter and reinstate the
- 7 stricken matter.
- 8 4. On page 7, strike beginning with the colon in line 19 through
- 9 line 22, show the old matter as stricken, and insert "a certification of
- 10 the case file and costs. The clerk of the transferor court shall certify
- 11 any judgment and payment records of such judgments in the action
- 12 maintained by the".
- 13 5. On page 11, line 20, strike "making" through "notation", show as
- 14 stricken, and insert "signing an order".
- 15 6. On page 18, lines 23 and 24; and page 19, lines 18 and 22, strike
- 16 the new matter and reinstate the stricken matter.

- 17 7. On page 21, strike beginning with "by" in line 23 through "means"  
18 in line 24 and show as stricken.
- 19 8. On page 22, line 1, after the first "a" insert "case"; in line 2  
20 strike "papers", show as stricken, and insert "documents"; in line 17,  
21 after "judge's" insert "docket"; in line 18 strike "fee", show as  
22 stricken, and insert "financial"; and in line 20 strike "as" through  
23 "25-2213".
- 24 9. On page 23, strike beginning with "pleadings" in line 6 through  
25 "documents" in line 7 and insert "complaint or petition and subsequent  
26 pleadings"; in line 9 strike the period through "maintained" and insert  
27 ", on microfilm, or"; and after line 11 insert the following new  
1 subsection:  
2 "(3) For purposes of this section:  
3 (a) Financial record means the financial accounting of the court,  
4 including the recording of all money receipted and disbursed by the court  
5 and the receipts and disbursements of all money held as an investment;  
6 (b) General index means the alphabetical listing of the names of the  
7 parties to the suit, both direct and inverse, with the case number where  
8 all proceedings in such action may be found;  
9 (c) Judge's docket notes means the notations of the judge detailing  
10 the actions in a court proceeding and the entering of orders and  
11 judgments;  
12 (d) Judgment index means the alphabetical listing of all judgment  
13 debtors and judgment creditors;  
14 (e) Register of actions means the official court record and summary  
15 of the case; and  
16 (f) Trial docket means a list of pending cases as provided in  
17 section 25-2211.".
- 18 10. On page 24, line 13, strike "(1)"; and strike lines 16 through  
19 31.
- 20 11. On page 25, strike lines 1 through 16.
- 21 12. On page 26, line 18, strike "the following" and insert "a  
22 certification of the case file and costs"; and strike beginning with the  
23 colon in line 19 through "costs" in line 22.
- 24 13. On page 27, lines 15 and 16, strike the new matter and insert "a  
25 certification of the case file and costs."; and strike beginning with  
26 line 18 through the underscored period in line 19 and show the old matter  
27 as stricken.
- 28 14. On page 28, strike lines 20 and 21, show as stricken, and  
29 insert:  
30 "(b) Deposit with the clerk of the county court a docket fee of the  
31 district court for cases originally commenced in district court.".
- 1 15. On page 29, line 4, reinstate the stricken matter.
- 2 16. On page 30, line 4, strike the new matter and reinstate the  
3 stricken matter.
- 4 17. On page 32, lines 9 through 11, strike the new matter and insert  
5 "file a certification of the case file and costs"; and in line 12 strike  
6 the second comma and show as stricken.
- 7 18. On page 33, line 1, after "notes" insert "and tape recordings".



- 8 19. On page 35, line 14, strike "stenographic report", show as  
 9 stricken, and insert "record".
- 10 20. On page 36, line 23, strike "presented to", show as stricken,  
 11 and insert "filed with"; and in line 29, strike "present such application  
 12 to", show as stricken, and insert "file such application with".
- 13 21. On page 38, line 23, strike "and" through "cause" and show as  
 14 stricken.
- 15 22. On page 45, strike beginning with "filing" in line 11 through  
 16 "in" in line 12, show the old matter as stricken, and insert "docket fee  
 17 of the"; in line 17 after the last "the" insert "case file and docket  
 18 fee"; and strike lines 18 through 20 and show the old matter as  
 19 stricken.
- 20 23. On page 47, line 1, strike "the filing fee in", show as  
 21 stricken, and insert "a docket fee of the".
- 22 24. On page 51, line 7, strike "papers", show as stricken, and  
 23 insert "documents".
- 24 25. On page 53, lines 2, 8, 11, 16, and 25, strike the new matter  
 25 and reinstate the stricken matter; and in line 19 strike "paper", show as  
 26 stricken, and insert "document".
- 27 26. On page 64, lines 14 through 17, strike the new matter and  
 28 insert "The case file shall contain the complaint or petition and  
 29 subsequent pleadings. The case file may be maintained as an electronic  
 30 document through the court's electronic case management system, on  
 31 microfilm, or".
- 1 27. On page 71, line 22, strike the new matter and reinstate the  
 2 stricken matter.
- 3 28. On page 86, lines 12 through 15, reinstate the stricken matter;  
 4 and in line 12 after the reinstated "docket" insert "or the confidential  
 5 index within the electronic case management system".
- 6 29. Amend the repealer and renumber the remaining sections  
 7 accordingly.

**LEGISLATIVE BILL 647.** Placed on General File with amendment.  
 AM290

- 1 1. Strike the original sections and insert the following new  
 2 sections:
- 3 Section 1. Section 24-201.01, Reissue Revised Statutes of Nebraska,  
 4 is amended to read:
- 5 24-201.01 ~~On July 1, 2014, the salary of the Chief Justice and the~~  
 6 ~~judges of the Supreme Court shall be one hundred sixty thousand five~~  
 7 ~~hundred forty dollars and twenty five cents. On July 1, 2015, the salary~~  
 8 ~~of the Chief Justice and the judges of the Supreme Court shall be one~~  
 9 ~~hundred sixty six thousand one hundred fifty nine dollars and sixteen~~  
 10 ~~cents. On July 1, 2016, the salary of the Chief Justice and the judges of~~  
 11 ~~the Supreme Court shall be one hundred seventy-one thousand nine hundred~~  
 12 ~~seventy-four dollars and seventy-three cents. On July 1, 2017, the salary~~  
 13 ~~of the Chief Justice and the judges of the Supreme Court shall be one~~  
 14 ~~hundred seventy-three thousand six hundred ninety-three dollars and~~  
 15 ~~ninety-seven cents. On January 1, 2019, the salary of the Chief Justice~~

16 and the judges of the Supreme Court shall be one hundred seventy-six  
 17 thousand two hundred ninety-nine dollars and thirty-eight cents.  
 18 The Chief Justice and the judges of the Supreme Court shall hold no  
 19 other public office of profit or trust during their terms of office nor  
 20 accept any public appointment or employment under the authority of the  
 21 government of the United States for which they receive compensation for  
 22 their services. Such salaries shall be payable in equal monthly  
 23 installments.  
 24 Sec. 2. This act becomes operative on July 1, 2017.  
 25 Sec. 3. Original section 24-201.01, Reissue Revised Statutes of  
 26 Nebraska, is repealed.  
 27 Sec. 4. Since an emergency exists, this act takes effect when  
 1 passed and approved according to law.

(Signed) Laura Ebke, Chairperson

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR36 was adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR36.

### GENERAL FILE

**LEGISLATIVE BILL 62.** Senator Chambers offered the following amendment:

AM332

1 1. Strike original section 1 and insert the following new sections:  
 2 Section 1. Section 79-898, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 79-898 ~~No~~ Any teacher in any public school in this state shall wear  
 5 ~~who wears~~, in such school or while engaged in the performance of his or  
 6 her duty, any dress or garb indicating the fact that such teacher is a  
 7 member or an adherent of any religious order, sect, or denomination;  
 8 ~~shall be deemed guilty of a misdemeanor, and upon conviction thereof be~~  
 9 ~~fined in any sum not exceeding one hundred dollars and the costs of~~  
 10 ~~prosecution or shall be committed to the county jail for a period not~~  
 11 ~~exceeding thirty days or both.~~  
 12 Sec. 2. Original section 79-898, Reissue Revised Statutes of  
 13 Nebraska, is repealed.  
 14 Sec. 3. The following section is outright repealed: Section 79-899,  
 15 Reissue Revised Statutes of Nebraska.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Baker            Friesen            Kolowski            Schumacher

Voting in the negative, 32:

Albrecht	Crawford	Hilkemann	McDonnell	Walz
Bostelman	Ebke	Kolterman	Morfeld	Watermeier
Brasch	Erdman	Kuehn	Murante	Williams
Brewer	Geist	Larson	Riepe	Wishart
Briese	Halloran	Lindstrom	Scheer	
Clements	Hansen	Linehan	Smith	
Craighead	Hilgers	Lowe	Stinner	

Present and not voting, 10:

Blood	Harr	Krist	Pansing Brooks	Vargas
Chambers	Howard	McCollister	Quick	Wayne

Excused and not voting, 3:

Bolz            Groene            Hughes

The Chambers amendment lost with 4 ayes, 32 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

#### **AMENDMENT(S) - Print in Journal**

Senator Brasch filed the following amendment to LB134:  
AM59

(Amendments to E & R amendments, ER2)

- 1 1. On page 6, line 15, after "who" insert "for remuneration"; in
- 2 line 16 strike "for the human consumption of eggs" and insert "eggs for
- 3 human consumption"; and in line 18 strike the comma.

#### **COMMITTEE REPORT(S)**

General Affairs

**LEGISLATIVE BILL 470.** Placed on General File.

(Signed) Tyson Larson, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Government, Military and Veterans Affairs

Room 1507

Wednesday, March 1, 2017 9:15 a.m.

LB76

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

LB252

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

LB364

LB437

LB510

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

LB277

LB619

LB316

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

LB34

LB112

LB197

LB290

LB25

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

LB163

LR15CA

Friday, March 17, 2017 1:30 p.m.

LB111

LB139

LB183

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

LB581

LB153

LB663

LB664

LB665

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

LB485  
LB421  
LB422  
LB423  
LB426

(Signed) John Murante, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 62.** Senator Chambers offered the following motion:

MO37

Reconsider the vote taken on AM332.

**SENATOR KRIST PRESIDING**

Senator Chambers requested a record vote on the motion to reconsider.

Voting in the affirmative, 3:

Baker            Brewer            Chambers

Voting in the negative, 29:

Albrecht	Crawford	Hansen	Linehan	Scheer
Bostelman	Ebke	Hilgers	Lowe	Stinner
Brasch	Erdman	Hughes	McCollister	Walz
Briese	Geist	Kolterman	McDonnell	Watermeier
Clements	Groene	Kuehn	Morfeld	Williams
Craighead	Halloran	Lindstrom	Murante	

Present and not voting, 16:

Blood	Hilkemann	Pansing Brooks	Smith
Bolz	Howard	Quick	Vargas
Friesen	Kolowski	Riepe	Wayne
Harr	Krist	Schumacher	Wishart

Excused and not voting, 1:

Larson

The Chambers motion to reconsider failed with 3 ayes, 29 nays, 16 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion:

MO38

Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 40:

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

Present and not voting, 5:

Chambers	Harr	Howard	Quick	Schumacher
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Absent and not voting, 1:

Brasch

Excused and not voting, 3:

Ebke	Morfeld	Smith
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The Chambers motion to indefinitely postpone failed with 0 ayes, 40 nays, 5 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO39

Reconsider the vote taken to indefinitely postpone.

Senator Chambers asked unanimous consent to withdraw his motion, MO39, to reconsider the vote. No objections. So ordered.

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

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 8 present and not voting, and 4 excused and not voting.

**ANNOUNCEMENT(S)**

The Business and Labor Committee designates LB203 as its priority bill.

**NOTICE OF COMMITTEE HEARING(S)**

Revenue

Room 1524

Wednesday, March 1, 2017 9:30 a.m.

LB291

(Signed) Jim Smith, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 46.** Introduced by Larson, 40; Kuehn, 38; Stinner, 48.

WHEREAS, the One Hundred Fourth Legislature established the LR 455 special committee to examine issues related to the impacts of climate change on the state and its residents; and

WHEREAS, the LR 455 special committee created a framework for a climate action plan for the state; and

WHEREAS, the LR 455 special committee recommended further review of study topics; and

WHEREAS, the LR 455 special committee found universal support for the need for an evidence-based, data-driven state climate action plan.

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

1. The Executive Board of the Legislative Council shall appoint a special committee to develop a climate action plan. The committee shall consist of the following members who shall serve for the duration of the One Hundred Fifth Legislature:

(a) The chairperson of the Appropriations Committee of the Legislature or his or her designee;

(b) The chairperson of the Natural Resources Committee of the Legislature or his or her designee; and

(c) Five at-large members of the Legislature appointed by the Executive Board of the Legislative Council.

2. The members of the special committee shall select a chairperson and vice-chairperson from the membership of the committee.

3. The special committee shall examine issues related to carbon emissions reduction, energy, and future technologies and the potential for funding from the Nebraska Environmental Trust.

4. The special committee shall develop a climate action plan based upon its examination of such issues and the framework developed by the LR 455 special committee.

5. The special committee shall electronically submit an update of the findings and recommendations of the LR 455 special committee to the Legislature on or before December 31, 2017, and a proposed climate action plan on or before December 31, 2018.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR46 was referred to the Reference Committee.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 47.** Introduced by McDonnell, 5; Crawford, 45; Morfeld, 46; Stinner, 48; Williams, 36.

WHEREAS, career and technical education provides students with the strong knowledge base and diverse skill set necessary to keep up with the increasing demands of local, national, and global markets; and

WHEREAS, career and technical education helps grow our economy and reduce unemployment by preparing students for careers in a variety of sectors that need highly skilled workers; and

WHEREAS, career and technical education programs provide pathways to employment and higher education that fit the needs of students. Such programs have many proven benefits for students, such as lowering dropout rates and improving students' prospects for career advancement.

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

1. That the Legislature designates February 2017 as Career and Technical Education Month in the State of Nebraska.

2. That Nebraskans are encouraged to realize the importance of career and technical education and support those who pursue such education.

3. That Nebraskans are also encouraged to recognize the benefits that career and technical education has for the economy and for employers and employees in our communities, and the potential such education has to make Nebraska a better place to live and work.

Laid over.



**COMMITTEE REPORT(S)**

General Affairs

**LEGISLATIVE BILL 463.** Placed on General File with amendment.  
AM294

1 1. On page 2, line 9, after "county" insert "or counties".

**LEGISLATIVE BILL 469.** Placed on General File with amendment.  
AM155

1 1. On page 2, line 24, after "person" insert ", an entity, or the  
2 operating division or group of an entity".

3 2. On page 3, line 1, strike "and"; after line 1 insert the

4 following new subdivision:

5 "(8) Location means the geographical position of a person as  
6 determined within a degree of accuracy consistent with generally accepted

7 technical standards; and"; in line 2 strike "(8)" and insert "(9)"; and

8 strike line 16 and insert "pay to the department a registration fee of

9 six percent of the fantasy contest operator's gross fantasy contest

10 revenue for the preceding twelve months or one thousand dollars,

11 whichever is greater, but not to exceed ten thousand dollars.".

12 3. On page 4, line 31, strike "but not limited to".

13 4. On page 5, after line 9 insert the following new subsection:

14 "(3) This section shall apply solely to the specific group,

15 division, products, services, or offerings of a person or entity that

16 cause the person or entity to meet the definition of a fantasy contest

17 operator and shall not extend to any other group, division, products,

18 services, or offerings of such person or entity.".

19 5. On page 6, line 3, strike "gambling"; and in line 23 after the

20 first comma insert "an escrow account".

(Signed) Tyson Larson, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Crawford name added to LB88.

Senator Crawford name added to LB109.

**VISITOR(S)**

Visitors to the Chamber were Chris Russert from Lincoln; members of Scottsbluff/Gering United Chamber of Commerce, Nebraska Northwest Development Corporation, Leadership Scottsbluff, and Dawes County Entrepreneurial Training Academy from Scottsbluff and Chadron; members of Nebraska Christian Home Educators Association from across the state; and members of the American Association of University Women of Nebraska.

The Doctor of the Day was Dr. Kip Anderson from Columbus.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Kuehn, the Legislature adjourned until 9:00 a.m., Thursday, February 23, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-FOURTH DAY - FEBRUARY 23, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 23, 2017

**PRAYER**

The prayer was offered by Pastor Perry Gauthier, Capitol Ministries Nebraska, Lincoln.

**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 Senator Howard who was excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-third day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 133.** Placed on Select File with amendment.  
ER7

- 1 1. On page 2, line 25, after the first semicolon insert "to clarify
- 2 references relating to extraterritorial zoning; to correct or include
- 3 references to city or village officials;"; and in line 28 after the
- 4 semicolon insert "to eliminate obsolete provisions; to transfer
- 5 sections;".
- 6 2. On page 101, line 27, strike "or alley", show as stricken, and
- 7 insert "avenue, alley, or lane".
- 8 3. On page 114, line 1, strike "17-601" and insert "17-601.01".
- 9 4. On page 136, line 3, after the first comma insert "a"; and in
- 10 line 31 after "or" insert "other".

**LEGISLATIVE BILL 113.** Placed on Select File with amendment.  
ER5 is available in the Bill Room.

**LEGISLATIVE BILL 18.** Placed on Select File with amendment.

ER6

1 1. On page 1, line 8, after the last semicolon insert "to provide an  
2 operative date;".

**LEGISLATIVE BILL 18A.** Placed on Select File.

**LEGISLATIVE BILL 19.** Placed on Select File.

**LEGISLATIVE BILL 29.** Placed on Select File.

**LEGISLATIVE BILL 94.** Placed on Select File.

**LEGISLATIVE BILL 62.** Placed on Select File with amendment.

ER8

1 1. On page 1, line 3, strike "to harmonize provisions;".

(Signed) Anna Wishart, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

February 23, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed  
to the Board of Educational Lands and Funds:

Jerald Meyer, 5100 Bridle Lane, Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your  
consideration. Copies of the certificate and background information are  
included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

February 23, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Commission for the Deaf and Hard of Hearing:

Marc A. Brennan, Ph.D., 4559 Shirley Street, Omaha, NE 68106

Also, contingent upon your approval, the following individual is being reappointed to the Commission for the Deaf and Hard of Hearing:

Frank R. Turk, Ed.D., 1833 N. 132 Avenue Circle, Omaha, NE 68154

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

(Signed) Sincerely,  
Pete Ricketts  
Governor

Enclosures

February 23, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Educational Telecommunications Commission:

Stan Carpenter, 6731 Crooked Creek Drive, Lincoln, NE 68516  
Marilyn Hadley, 3112 Country Club Lane, Kearney, NE 68845  
Clay Smith, 2310 Woodsdale Blvd., Lincoln, NE 68516

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

(Signed) Sincerely,  
Pete Ricketts  
Governor

Enclosures

February 23, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Board of Emergency Medical Services:

Joel Cerny, 1618 Denver Street, Schuyler, NE 68661  
Dr. Thomas Deegan, 19206 Howe Circle, Omaha, NE 68130  
Linda Jensen, 16181 County Road #21, Herman, NE 68029  
Dr. James Smith, 402 Flamingo Road, North Platte, NE 69101  
Scott C. Wiebe, 5922 White Fish Drive, Lincoln, NE 68516

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

#### **ANNOUNCEMENT(S)**

Senator Kolterman designates LB92 as his priority bill.

Senator Watermeier designates LB44 as his priority bill.

#### **SELECT FILE**

**LEGISLATIVE BILL 1.** Considered.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 2.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 3.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 4.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 5.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 56.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 45.** ER1, found on page 344, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 80.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 134.** ER2, found on page 347, was adopted.

Senator Brasch offered her amendment, AM59, found on page 515.

The Brasch amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 74.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 131.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 132.** Advanced to Enrollment and Review for Engrossment.

#### **GENERAL FILE**

**LEGISLATIVE BILL 8.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 11.** Title read. Considered.

Senator Krist offered his amendment, AM302, found on page 509.

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 Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 57.** Title read. Considered.

Senator Morfeld moved for a call of the house. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Morfeld requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 34:

Baker	Crawford	Kolowski	Morfeld	Vargas
Blood	Ebke	Kolterman	Murante	Walz
Bolz	Groene	Krist	Pansing Brooks	Watermeier
Brewer	Hansen	Lindstrom	Quick	Wayne
Briese	Harr	Linehan	Scheer	Williams
Clements	Hilgers	McCollister	Smith	Wishart
Craighead	Hughes	McDonnell	Stinner	

Voting in the negative, 10:

Albrecht	Brasch	Erdman	Kuehn	Riepe
Bostelman	Chambers	Halloran	Lowe	Schumacher

Present and not voting, 3:

Friesen	Geist	Hilkemann
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Absent and not voting, 1:

Larson

Excused and not voting, 1:

Howard

Advanced to Enrollment and Review Initial with 34 ayes, 10 nays, 3 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services

Room 1510

Wednesday, March 22, 2017 2:00 p.m.

LB59



(Signed) Merv Riepe, Chairperson

Government, Military and Veterans Affairs

Room 1507

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

LB277 (cancel)  
LB619 (cancel)  
LB316 (cancel)

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

LB277  
LB619  
LB316

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

LB34 (cancel)  
LB112 (cancel)  
LB197 (cancel)  
LB290 (cancel)  
LB25 (cancel)

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

LB34  
LB112  
LB197  
LB290  
LB25

(Signed) John Murante, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Albrecht filed the following amendment to LB203:  
AM350 is available in the Bill Room.

**AMENDMENT(S) - Refile in Journal**

Senator Chambers refiled his amendment, AM332, found on page 514, to LB62.

**ANNOUNCEMENT(S)**

Senator Blood designates LB88 as her priority bill.

**GENERAL FILE**

**LEGISLATIVE BILL 10.** Title read. Considered.

Committee AM27, found on page 322, was offered.

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

Senator Krist requested a roll call vote on the committee amendment.

Voting in the affirmative, 26:

Baker	Ebke	Krist	Scheer	Williams
Blood	Hansen	Larson	Smith	Wishart
Bolz	Harr	McDonnell	Stinner	
Chambers	Hilgers	Morfeld	Vargas	
Craighead	Hilkemann	Pansing Brooks	Walz	
Crawford	Kolowski	Quick	Watermeier	

Voting in the negative, 18:

Albrecht	Briese	Geist	Kuehn	Riepe
Bostelman	Clements	Groene	Lindstrom	Wayne
Brasch	Erdman	Halloran	Linehan	
Brewer	Friesen	Hughes	Lowe	

Present and not voting, 2:

Murante      Schumacher

Excused and not voting, 3:

Howard      Kolterman      McCollister

The committee amendment was adopted with 26 ayes, 18 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Krist requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Baker	Ebke	Kolowski	Pansing Brooks	Walz
Blood	Halloran	Krist	Quick	Watermeier
Bolz	Hansen	Larson	Scheer	Wayne
Brewer	Harr	Lindstrom	Schumacher	Williams
Briese	Hilgers	McCollister	Smith	Wishart
Chambers	Hilkemann	McDonnell	Stinner	
Crawford	Hughes	Morfeld	Vargas	

Voting in the negative, 10:

Albrecht	Brasch	Erdman	Kuehn	Lowe
Bostelman	Clements	Friesen	Linehan	Riepe

Present and not voting, 4:

Craighead	Geist	Groene	Murante
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Excused and not voting, 2:

Howard	Kolterman
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Advanced to Enrollment and Review Initial with 33 ayes, 10 nays, 4 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 10A.** Title read. Considered.

Senator Krist offered the following amendment:

AM160

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

3 Section 1. There is hereby appropriated (1) \$329,538 from the  
4 General Fund for FY2017-18 and (2) \$387,692 from the General Fund for  
5 FY2018-19 to the Supreme Court, for Program 6, to aid in carrying out the  
6 provisions of Legislative Bill 10, One Hundred Fifth Legislature, First  
7 Session, 2017.

8 Total expenditures for permanent and temporary salaries and per  
9 diems from funds appropriated in this section shall not exceed \$270,430  
10 for FY2017-18 or \$318,154 for FY2018-19.

11 Sec. 2. There is hereby appropriated (1) \$173,420 from the General  
12 Fund for FY2017-18 and (2) \$191,412 from the General Fund for FY2018-19  
13 to the Supreme Court, for Program 52, to aid in carrying out the  
14 provisions of Legislative Bill 10, One Hundred Fifth Legislature, First  
15 Session, 2017.

16 Total expenditures for permanent and temporary salaries and per  
17 diems from funds appropriated in this section shall not exceed \$101,468  
18 for FY2017-18 or \$119,374 for FY2018-19.

**SPEAKER SCHEER PRESIDING**

Senator Krist moved for a call of the house. The motion prevailed with 31 ayes, 3 nays, and 15 not voting.

Senator Krist requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 38:

Baker	Erdman	Kolterman	Morfeld	Vargas
Blood	Halloran	Krist	Murante	Walz
Bolz	Hansen	Kuehn	Pansing Brooks	Watermeier
Brewer	Harr	Larson	Quick	Wayne
Briese	Hilgers	Lindstrom	Scheer	Williams
Chambers	Hilkemann	Lowe	Schumacher	Wishart
Crawford	Hughes	McCollister	Smith	
Ebke	Kolowski	McDonnell	Stinner	

Voting in the negative, 3:

Albrecht	Bostelman	Linehan
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Present and not voting, 7:

Brasch	Craighead	Geist	Riepe
Clements	Friesen	Groene	

Excused and not voting, 1:

Howard

The Krist amendment was adopted with 38 ayes, 3 nays, 7 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 7 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 85.** Title read. Considered.

Committee AM30, found on page 324, was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Blood requested a record vote on the advancement of the bill.

Voting in the affirmative, 40:

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

Voting in the negative, 0.

Present and not voting, 6:

Friesen	Lindstrom	Watermeier
Harr	Smith	Wayne

Excused and not voting, 3:

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

### COMMITTEE REPORT(S)

Executive Board

**LEGISLATIVE BILL 407.** Placed on General File with amendment.

AM140

1 1. On page 2, strike beginning with "The" in line 2 through line 3;  
 2 in line 4 strike "executive committee of the"; in line 6 after the comma  
 3 insert "an additional member of the State-Tribal Relations Committee of  
 4 the Legislature"; strike beginning with the comma in line 7 through  
 5 "committee" in line 12 and insert "or his or her designee, the  
 6 chairperson of the Appropriations Committee of the Legislature or his or  
 7 her designee, and the chairperson of the Judiciary Committee of the  
 8 Legislature or his or her designee. The voting members of the task  
 9 force"; in line 14 strike "executive committee" and insert "task force";  
 10 and strike beginning with "advisory" in line 22 through "represent" in  
 11 line 25 and insert "task force shall consult with".  
 12 2. On page 4, line 5, strike ":(a) Request" and insert "request";  
 13 and strike beginning with the semicolon in line 8 through "committee" in  
 14 line 15.

(Signed) Dan Watermeier, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

**LB/LR**      **Committee**  
LR46          Executive Board

Brennan, Marc A. - Commission for the Deaf and Hard of Hearing - Health and Human Services  
Carpenter, Stan - Nebraska Educational Telecommunications Commission - Education  
Cerny, Joel - Board of Emergency Medical Services - Health and Human Services  
Deegan, Thomas - Board of Emergency Medical Services - Health and Human Services  
Hadley, Marilyn - Nebraska Educational Telecommunications Commission - Education  
Jensen, Linda - Board of Emergency Medical Services - Health and Human Services  
Meyer, Jerald - Board of Educational Lands and Funds - Education  
Smith, Clay - Nebraska Educational Telecommunications Commission - Education  
Smith, James - Board of Emergency Medical Services - Health and Human Services  
Turk, Frank R. - Commission for the Deaf and Hard of Hearing - Health and Human Services  
Wiebe, Scott C. - Board of Emergency Medical Services - Health and Human Services

(Signed) Dan Watermeier, Chairperson  
Executive Board

**AMENDMENT(S) - Print in Journal**

Senator Wayne filed the following amendment to LB133:  
AM326

1 1. On page 28, line 27, strike "an" and insert "another".

Senator Larson filed the following amendment to LB469:  
AM77

1 1. On page 6, line 17, after the semicolon insert "and"; and strike  
2 beginning with the semicolon in line 24 through "platform" in line 26.

Senator Larson filed the following amendment to LB470:  
AM80

1 1. On page 2, lines 18 and 23, strike "January 1, 2018" and insert  
2 "on the effective date of this act"; and strike beginning with "January"  
3 in line 28 through "2018" in line 29 and insert "on the effective date of  
4 this act".

5 2. On page 4, lines 12 and 29, strike "January 1, 2018" and insert  
6 "on the effective date of this act".

Senator Larson filed the following amendment to LB469:  
AM79

(Amendments to Final Reading copy)

- 1 1. Strike section 7.
- 2 2. On page 2, line 1, strike "7" and insert "6".
- 3 3. Renumber the remaining sections accordingly.

Senator Larson filed the following amendment to LB470:  
AM82

(Amendments to Final Reading copy)

- 1 1. Strike sections 1 and 3.
- 2 2. On page 4, line 24, strike "Except as otherwise provided in  
3 subsection (3) of this section."; and in line 25 strike the new matter  
4 and reinstate the stricken matter.
- 5 3. Renumber the remaining sections and correct the repealer  
6 accordingly.

Senator Hansen filed the following amendment to LB146:  
AM308

- 1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 29-2264, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 29-2264 (1) Whenever any person is placed on probation by a court  
6 and satisfactorily completes the conditions of his or her probation for  
7 the entire period or is discharged from probation prior to the  
8 termination of the period of probation, the sentencing court shall issue  
9 an order releasing the offender from probation. Such order in all felony  
10 cases shall provide notice that the person's voting rights are restored  
11 two years after completion of probation. The order shall include  
12 information on restoring other civil rights through the pardon process,  
13 including application to and hearing by the Board of Pardons.  
14 (2) Whenever any person is convicted of an infraction, a  
15 misdemeanor, or a felony and is placed on probation by the court or is  
16 sentenced to a fine only, he or she may, after satisfactory fulfillment  
17 of the conditions of probation for the entire period or after discharge  
18 from probation prior to the termination of the period of probation and  
19 after payment of any fine, petition the sentencing court to set aside the  
20 conviction.  
21 (3) In determining whether to set aside the conviction, the court  
22 shall consider:  
23 (a) The behavior of the offender after sentencing;  
24 (b) The likelihood that the offender will not engage in further  
25 criminal activity; and  
26 (c) Any other information the court considers relevant.  
27 (4) The court may grant the offender's petition and issue an order

1 setting aside the conviction when in the opinion of the court the order  
2 will be in the best interest of the offender and consistent with the  
3 public welfare. The order shall:

4 (a) Nullify the conviction; and  
5 (b) Remove all civil disabilities and disqualifications imposed as a  
6 result of the conviction.

7 (5) The setting aside of a conviction in accordance with the  
8 Nebraska Probation Administration Act shall not:

9 (a) Require the reinstatement of any office, employment, or position  
10 which was previously held and lost or forfeited as a result of the  
11 conviction;

12 (b) Preclude proof of a plea of guilty whenever such plea is  
13 relevant to the determination of an issue involving the rights or  
14 liabilities of someone other than the offender;

15 (c) Preclude proof of the conviction as evidence of the commission  
16 of the infraction, misdemeanor, or felony whenever the fact of its  
17 commission is relevant for the purpose of impeaching the offender as a  
18 witness, except that the order setting aside the conviction may be  
19 introduced in evidence;

20 (d) Preclude use of the conviction for the purpose of determining  
21 sentence on any subsequent conviction of a criminal offense;

22 (e) Preclude the proof of the conviction as evidence of the  
23 commission of the infraction, misdemeanor, or felony in the event an  
24 offender is charged with a subsequent offense and the penalty provided by  
25 law is increased if the prior conviction is proved;

26 (f) Preclude the proof of the conviction to determine whether an  
27 offender is eligible to have a subsequent conviction set aside in  
28 accordance with the Nebraska Probation Administration Act;

29 (g) Preclude use of the conviction as evidence of commission of the  
30 infraction, misdemeanor, or felony for purposes of determining whether an  
31 application filed or a license issued under sections 71-1901 to  
1 71-1906.01, the Child Care Licensing Act, or the Children's Residential  
2 Facilities and Placing Licensure Act or a certificate issued under  
3 sections 79-806 to 79-815 should be denied, suspended, or revoked;

4 (h) Preclude use of the conviction as evidence of incompetence,  
5 neglect of duty, physical, mental, or emotional incapacity, or final  
6 conviction of or pleading guilty or nolo contendere to a felony for  
7 purposes of determining whether an application filed or a certificate  
8 issued under sections 81-1401 to 81-1414.10 should be denied, suspended,  
9 or revoked;

10 (i) Preclude proof of the conviction as evidence whenever the fact  
11 of the conviction is relevant to a determination of the registration  
12 period under section 29-4005; or

13 (j) Relieve a person who is convicted of an offense for which  
14 registration is required under the Sex Offender Registration Act of the  
15 duty to register and to comply with the terms of the act.

16 (6) Except as otherwise provided for the notice in subsection (1) of  
17 this section, changes made to this section by Laws 2005, LB 713, shall be  
18 retroactive in application and shall apply to all persons, otherwise



19 eligible in accordance with the provisions of this section, whether  
20 convicted prior to, on, or subsequent to September 4, 2005.  
21 (7) The changes made to this section by this legislative bill shall  
22 be retroactive in application and shall apply to all persons, otherwise  
23 eligible in accordance with the provisions of this section, whether  
24 convicted prior to, on, or subsequent to the effective date of this act.  
25 Sec. 2. Original section 29-2264, Reissue Revised Statutes of  
26 Nebraska, is repealed.

#### **ANNOUNCEMENT**

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 23, 2017, summarizing the recommended appropriations for the following biennium.

#### **ANNOUNCEMENT(S)**

Senator Quick designates LB181 as his priority bill.

#### **NOTICE OF COMMITTEE HEARING(S)**

Natural Resources

Room 1525

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

Scott McPheeters - Nebraska Ethanol Board

(Signed) Dan Hughes, Chairperson

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Halloran name added to LB88.  
Senator Kolterman name added to LB167.  
Senator McCollister name added to LB188.

#### **VISITOR(S)**

Visitors to the Chamber were 40 high school students from North Star and Northeast, Lincoln; members of the Alzheimer's Association from across Nebraska; and 50 fourth-grade students from David City.

The Doctor of the Day was Dr. Nathan Krug from Central City.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Hilkemann, the Legislature adjourned until 9:00 a.m., Friday, February 24, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-FIFTH DAY - FEBRUARY 24, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 24, 2017

**PRAYER**

The prayer was offered by Reverend Michael Davis, Elgin United Methodist Church, Elgin.

**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 Senators Hilkemann, Kolowski, Walz, and Wayne who were excused; and Senators Bolz, Hansen, Murante, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fourth day was approved.

**AMENDMENT(S) - Print in Journal**

Senator Crawford filed the following amendment to LB588:  
AM305

1 1. On page 2, line 20, after "reflexology" insert "who limit their  
2 services to the application of specific pressure, by the use of the  
3 practitioner's hands, thumbs, and fingers, to the soft tissue of the  
4 hands, feet, and outer ears and whose services are not designated or  
5 implied to be massage or massage therapy".

**ANNOUNCEMENT(S)**

Senator Chambers designates LB447 as his priority bill.

**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>

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 23, 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

Freeman, Clayton  
Alzheimer's Association Nebraska Chapter  
Kester, Steven  
Apple Inc.  
Radcliffe, Walter H. of Radcliffe and Associates  
Oracle  
Zulkoski Weber LLC  
Cedars Youth Services

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 1.** Placed on Final Reading.  
**LEGISLATIVE BILL 2.** Placed on Final Reading.  
**LEGISLATIVE BILL 3.** Placed on Final Reading.  
**LEGISLATIVE BILL 4.** Placed on Final Reading.  
**LEGISLATIVE BILL 5.** Placed on Final Reading.  
**LEGISLATIVE BILL 45.** Placed on Final Reading.  
**LEGISLATIVE BILL 56.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 48.** Introduced by Harr, 8.

WHEREAS, Nebraska and Taiwan have participated in a sister-state relationship since 1983; and

WHEREAS, Nebraska and Taiwan share the same values of freedom, democracy, rule of law, and respect for human rights; and

WHEREAS, Taiwan is the ninth largest global trading partner for the United States and is the seventh largest export market for American agricultural products; and

WHEREAS, the United States is the second largest trading partner for Taiwan; and

WHEREAS, Taiwan is Nebraska's eleventh largest trading partner for both imports and exports; and

WHEREAS, in 2016, the State of Nebraska embarked on a trade mission to Taiwan that led to a trade agreement for the sale of approximately \$400 million of Nebraska corn, soybeans, wheat, beef, and pork to Taiwan.

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

1. That Nebraska supports Taiwan's mature and vital democracy and celebrates the thirty-fourth anniversary of Nebraska's sister-state relationship with Taiwan.

2. That the Legislature acknowledges the rich history of friendship and the close economic and trade relationship between Nebraska and Taiwan.

3. That copies of this resolution be sent to the Director General of the Taipei Economic and Cultural Office in Denver, Colorado, and to the United States Secretary of State.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 470.** Title read. Considered.

Senator Chambers offered the following motion:

MO40

Indefinitely postpone.

### SENATOR KRIST PRESIDING

Senator Larson moved for a call of the house. The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

Senator Larson requested a roll call vote, in reverse order, on the motion to indefinitely postpone.

Voting in the affirmative, 24:

Albrecht	Briese	Geist	Lindstrom	Stinner
Baker	Chambers	Halloran	Linehan	Vargas
Bostelman	Clements	Hansen	Lowe	Watermeier
Brasch	Craighead	Hilgers	Pansing Brooks	Williams
Brewer	Erdman	Kolterman	Smith	

Voting in the negative, 9:

Blood	Friesen	Larson	Morfeld	Quick
Bolz	Hughes	McDonnell	Murante	

Present and not voting, 10:

Crawford	Howard	Kuehn	Riepe	Schumacher
Ebke	Krist	McCollister	Scheer	Wishart

Excused and not voting, 6:

Groene            Hilkemann    Walz  
Harr                Kolowski     Wayne

The Chambers motion to indefinitely postpone prevailed with 24 ayes, 9 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services

Room 1510

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

Brian Buhlke - Nebraska Rural Health Advisory Commission  
April Dexter - Nebraska Rural Health Advisory Commission  
Martin Fattig - Nebraska Rural Health Advisory Commission  
Jessye Goertz - Nebraska Rural Health Advisory Commission  
Benjamin R. Iske - Nebraska Rural Health Advisory Commission

(Signed) Merv Riepe, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Schumacher filed the following amendment to LB148:  
AM192

1 1. On page 7, line 27, after "company" insert ". For the limited  
2 purposes of determining professional malpractice insurance premiums, a  
3 security issued through a transaction that is exempted pursuant to  
4 subdivision (23) of section 8-1111 shall not be considered a security".  
5 2. On page 57, line 9, after "dollars" insert "or such greater  
6 amount as from time to time may be set in accordance with rules and  
7 regulations adopted and promulgated by the director to adjust the amount  
8 to reflect changes in the Consumer Price Index for All Urban Consumers as  
9 prepared by the United States Department of Labor, Bureau of Labor  
10 Statistics".

**ANNOUNCEMENT(S)**

The Education Committee designates LB409 as its priority bill.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 233A.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 233, One Hundred Fifth Legislature, First Session, 2017.

**AMENDMENT(S) - Print in Journal**

Senator Hansen filed the following amendment to LB113:  
AM362

(Amendments to E&R amendments, ER5)

- 1 1. On page 9, line 7, strike "All municipalities", show the old
- 2 matter as stricken, and insert "Each municipality"; in line 11 strike
- 3 "cities", show as stricken, and insert "a city"; and in line 12 strike
- 4 "they adopt or retain", show as stricken, and insert "it adopts or
- 5 retains".
- 6 2. On page 15, line 4, after "class" insert ". If the mayor and city
- 7 council enact such an ordinance".
- 8 3. On page 22, lines 26 and 27, after "federal" insert "decennial"
- 9 and after "census" insert "or the most recent revised certified count by
- 10 the United States Bureau of the Census".

**GENERAL FILE**

**LEGISLATIVE BILL 203.** Title read. Considered.

Senator Albrecht offered her amendment, AM350, found on page 529.

The Albrecht amendment was adopted with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 16.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 99.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 140.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 184.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 185.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 186.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 46.** Title read. Considered.

#### **SENATOR LINDSTROM PRESIDING**

Senator Watermeier offered the following amendment:

AM37

1 1. Strike original section 1.

2 2. On page 12, lines 6 and 7, strike "Nebraska Child Abuse  
3 Prevention Fund" and insert "Health and Human Services Cash Fund to  
4 supplement federal funds available to the department for the Temporary  
5 Assistance for Needy Families program, 42 U.S.C. 601, et seq".

6 3. On page 12, lines 15 and 16; and page 13, lines 8 and 9 and 13,  
7 strike "Nebraska Child Abuse Prevention Fund" and insert "Health and  
8 Human Services Cash Fund to supplement federal funds available to the  
9 department for the Temporary Assistance for Needy Families program".

10 4. Renumber the remaining sections and correct internal references  
11 and the repealer accordingly.

Pending.

#### **COMMITTEE REPORT(S)**

Health and Human Services

**LEGISLATIVE BILL 481.** Placed on General File.

**LEGISLATIVE BILL 605.** Placed on General File.

**LEGISLATIVE BILL 166.** Placed on General File with amendment.

AM143

1 1. Strike original sections 8 to 11, 15, 18, 20, 21, 26, and 27 and



2 insert the following new sections:

3 Sec. 8. Section 38-1,125, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 38-1,125 (1) Except as otherwise provided in section 38-2897, every

6 ~~Every~~ credential holder, ~~except pharmacist interns and pharmacy~~

7 ~~technicians~~, shall, within thirty days of an occurrence described in this

8 subsection, report to the department in such manner and form as the

9 department may require whenever he or she:

10 (a) Has first-hand knowledge of facts giving him or her reason to

11 believe that any person in his or her profession:

12 (i) Has acted with gross incompetence or gross negligence;

13 (ii) Has engaged in a pattern of incompetent or negligent conduct as

14 defined in section 38-177;

15 (iii) Has engaged in unprofessional conduct as defined in section

16 38-179;

17 (iv) Has been practicing while his or her ability to practice is

18 impaired by alcohol, controlled substances, mind-altering substances, or

19 physical, mental, or emotional disability; or

20 (v) Has otherwise violated the regulatory provisions governing the

21 practice of the profession;

22 (b) Has first-hand knowledge of facts giving him or her reason to

23 believe that any person in another profession:

24 (i) Has acted with gross incompetence or gross negligence; or

25 (ii) Has been practicing while his or her ability to practice is

26 impaired by alcohol, controlled substances, mind-altering substances, or

27 physical, mental, or emotional disability; or

1 (c) Has been the subject of any of the following actions:

2 (i) Loss of privileges in a hospital or other health care facility

3 due to alleged incompetence, negligence, unethical or unprofessional

4 conduct, or physical, mental, or chemical impairment or the voluntary

5 limitation of privileges or resignation from the staff of any health care

6 facility when that occurred while under formal or informal investigation

7 or evaluation by the facility or a committee of the facility for issues

8 of clinical competence, unprofessional conduct, or physical, mental, or

9 chemical impairment;

10 (ii) Loss of employment due to alleged incompetence, negligence,

11 unethical or unprofessional conduct, or physical, mental, or chemical

12 impairment;

13 (iii) An adverse judgment, settlement, or award arising out of a

14 professional liability claim, including a settlement made prior to suit

15 in which the consumer releases any professional liability claim against

16 the credentialed person, or adverse action by an insurance company

17 affecting professional liability coverage. The department may define what

18 constitutes a settlement that would be reportable when a credential

19 holder refunds or reduces a fee or makes no charge for reasons related to

20 a consumer complaint other than costs;

21 (iv) Denial of a credential or other form of authorization to

22 practice by any jurisdiction due to alleged incompetence, negligence,

23 unethical or unprofessional conduct, or physical, mental, or chemical

24 impairment;

25 (v) Disciplinary action against any credential or other form of  
26 permit he or she holds taken by any jurisdiction, the settlement of such  
27 action, or any voluntary surrender of or limitation on any such  
28 credential or other form of permit;

29 (vi) Loss of membership in, or discipline of a credential related to  
30 the applicable profession by, a professional organization due to alleged  
31 incompetence, negligence, unethical or unprofessional conduct, or  
1 physical, mental, or chemical impairment; or

2 (vii) Conviction of any misdemeanor or felony in this or any other  
3 jurisdiction.

4 (2) The requirement to file a report under subdivision (1)(a) or (b)  
5 of this section shall not apply:

6 (a) To the spouse of the credential holder;

7 (b) To a practitioner who is providing treatment to such credential  
8 holder in a practitioner-consumer relationship concerning information  
9 obtained or discovered in the course of treatment unless the treating  
10 practitioner determines that the condition of the credential holder may  
11 be of a nature which constitutes a danger to the public health and safety  
12 by the credential holder's continued practice; or

13 (c) When a credential holder who is chemically impaired enters the  
14 Licensee Assistance Program authorized by section 38-175 except as  
15 otherwise provided in such section.

16 (3) A report submitted by a professional liability insurance company  
17 on behalf of a credential holder within the thirty-day period prescribed  
18 in subsection (1) of this section shall be sufficient to satisfy the  
19 credential holder's reporting requirement under subsection (1) of this  
20 section.

21 Sec. 9. Section 38-2801, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 38-2801 Sections 38-2801 to 38-28,107 and sections 11 to 13 and 15  
24 of this act and the Nebraska Drug Product Selection Act shall be known  
25 and may be cited as the Pharmacy Practice Act.

26 Sec. 10. Section 38-2802, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 38-2802 For purposes of the Pharmacy Practice Act and elsewhere in  
29 the Uniform Credentialing Act, unless the context otherwise requires, the  
30 definitions found in sections 38-2803 to 38-2847 and sections 11 to 13 of  
31 this act apply.

1 Sec. 12. Practice agreement means a document signed by a pharmacist  
2 and a practitioner with independent prescribing authority, in which the  
3 pharmacist agrees to design, implement, and monitor a therapeutic plan  
4 based on a written protocol.

5 Sec. 13. Written protocol means a written template, agreed to by  
6 pharmacists and practitioners with independent prescribing authority,  
7 working in concert, which directs how the pharmacists will implement and  
8 monitor a therapeutic plan.

9 Sec. 18. Section 38-2897, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 38-2897 (1) The requirement to file a report under subsection (1)  
12 of section 38-1,125 shall not apply to pharmacist interns or pharmacy  
13 technicians, except that a A pharmacy technician shall, within thirty  
14 days after having report first-hand knowledge of facts giving him or her  
15 reason to believe that any person in his or her profession, or any person  
16 in another profession under the regulatory provisions of the department,  
17 may be practicing while his or her ability to practice is impaired by  
18 alcohol, controlled substances, or narcotic drugs, report to the  
19 department in such manner and form as the department may require. A  
20 report made to the department under this section shall be confidential.  
21 The identity of any person making such report or providing information  
22 leading to the making of such report shall be confidential.  
23 (2) A pharmacy technician Any person making a report to the  
24 department under this section, except for those self-reporting, shall be  
25 completely immune from criminal or civil liability of any nature, whether  
26 direct or derivative, for filing a report or for disclosure of documents,  
27 records, or other information to the department under this section. The  
28 immunity granted under by this section shall not apply to any person  
29 causing damage or injury by his or her willful, wanton, or grossly  
30 negligent act of commission or omission.  
31 (3) A report submitted by a professional liability insurance company  
1 on behalf of a credential holder within the thirty-day period prescribed  
2 in this section shall be sufficient to satisfy the credential holder's  
3 reporting requirement under this section.  
4 (4) Persons who are members of committees established under the  
5 Health Care Quality Improvement Act, the Patient Safety Improvement Act,  
6 or section 25-12,123 or witnesses before such committees shall not be  
7 required to report under this section. Any person who is a witness before  
8 such a committee shall not be excused from reporting matters of first-  
9 hand knowledge that would otherwise be reportable under this section only  
10 because he or she attended or testified before such committee.  
11 (5) Documents from original sources shall not be construed as immune  
12 from discovery or use in actions under this section.  
13 Sec. 20. (1)(a) When administration of a drug occurs in a hospital  
14 pursuant to a chart order, hospital personnel may provide the unused  
15 portion of the drug to the patient upon discharge from the hospital for  
16 continued use in treatment of the patient if:  
17 (i) The drug has been opened and used for treatment of the patient  
18 at the hospital and is necessary for the continued treatment of the  
19 patient and would be wasted if not used by the patient; and  
20 (ii) The drug is:  
21 (A) In a multidose device or a multidose container; or  
22 (B) In the form of a liquid reconstituted from a dry stable state to  
23 a liquid resulting in a limited stability.  
24 (b) A drug provided to a patient in accordance with this subsection  
25 shall be labeled with the name of the patient, the name of the drug  
26 including the quantity if appropriate, the date the drug was provided,  
27 and the directions for use.  
28 (2)(a) A licensed health care practitioner authorized to prescribe

29 controlled substances may provide to his or her patients being discharged  
30 from a hospital a sufficient quantity of drugs adequate, in the judgment  
31 of the practitioner, to continue treatment, which began in the hospital,  
1 until the patient is reasonably able to access a pharmacy.

2 (b) The pharmacist-in-charge at the hospital shall maintain records  
3 of the drugs provided to patients in accordance with this subsection  
4 which shall include the name of the patient, the name of the drug  
5 including the quantity if appropriate, the date the drug was provided,  
6 and the directions for use.

7 (3) If a drug is provided to a patient in accordance with this  
8 section:

9 (a) The drug shall be kept in a locked cabinet or automated  
10 medication system with access only by a licensed health care practitioner  
11 authorized to prescribe, dispense, or administer controlled substances;

12 (b) Prior to providing the drug to the patient, a written or  
13 electronic order shall be in the patient's record;

14 (c) The process at the hospital shall be under the direct  
15 supervision of the prescriber;

16 (d) If the label is prepared by a nurse, the prescriber shall verify  
17 the drug and the directions for the patient;

18 (e) When possible, the directions for the patient shall be  
19 preprinted on the label by the pharmacist;

20 (f) The label shall include the name of the patient, the name of the  
21 drug including the quantity if appropriate, the date the drug was  
22 provided, and the directions for use;

23 (g) A written information sheet shall be given to the patient for  
24 each drug provided; and

25 (h) Documentation in a readily retrievable format shall be  
26 maintained each time a drug is provided to a patient from the hospital  
27 pharmacy's inventory which shall include the date, the patient, the drug,  
28 and the prescriber.

29 Sec. 21. Section 71-2412, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 71-2412 Drugs may be administered to residents of a long-term care  
1 facility by authorized personnel of the long-term care facility from the  
2 contents of emergency boxes located within such long-term care facility  
3 if such drugs and boxes meet all of the following requirements:

4 (1) All emergency box drugs shall be provided by and all emergency  
5 boxes containing such drugs shall be sealed by a supplying pharmacy with  
6 the seal on such emergency box to be of such a nature that it can be  
7 easily identified if it has been broken;

8 (2) Emergency boxes shall be stored in a medication room or other  
9 secured area within the long-term care facility. Only authorized  
10 personnel of the long-term care facility or the supplying pharmacy shall  
11 obtain access to such room or secured area, by key or combination, in  
12 order to prevent unauthorized access and to ensure a proper environment  
13 for preservation of the emergency box drugs;

14 (3) The exterior of each emergency box shall be labeled so as to  
15 clearly indicate that it is an emergency box for use in emergencies only.

16 The label shall contain a listing of the drugs contained in the box,  
 17 including the name, strength, route of administration, quantity, and  
 18 expiration date of each drug, and the name, address, and telephone number  
 19 of the supplying pharmacy;

20 (4) All emergency boxes shall be inspected by a pharmacist  
 21 designated by the supplying pharmacy at least once every thirty days or  
 22 after a reported usage of any drug to determine the expiration date and  
 23 quantity of the drugs in the box. Every inspection shall be documented  
 24 and the record retained by the long-term care facility for a period of  
 25 five years; and

26 ~~(5) An emergency box shall not contain multiple dose vials, shall  
 27 not contain more than ten drugs which are controlled substances, and  
 28 shall contain no more than a total of fifty drugs; and~~

29 (5) ~~(6)~~ All drugs in emergency boxes shall be in the original  
 30 manufacturer's or distributor's containers or shall be repackaged by the  
 31 supplying pharmacy and shall include the manufacturer's or distributor's  
 1 name, lot number, drug name, strength, dosage form, NDC number, route of  
 2 administration, and expiration date on a typewritten label. Any drug  
 3 which is repackaged shall contain on the label the calculated expiration  
 4 date.

5 For purposes of the Emergency Box Drug Act, calculated expiration  
 6 date has the same meaning as in ~~subdivision (7)(b) of section 38-2808.01~~  
 7 ~~38-2884~~.

8 Sec. 26. Original sections 28-410, 28-411, 28-414, 28-414.01,  
 9 28-414.03, 28-442, 38-1,124, 38-1,125, 38-2801, 38-2802, 38-2866.01,  
 10 38-2870, 38-2892, 38-2897, 71-2412, and 71-2413, Reissue Revised Statutes  
 11 of Nebraska, and sections 71-401, 71-2445, 71-2478, and 71-2479, Revised  
 12 Statutes Cumulative Supplement, 2016, are repealed.

13 Sec. 27. The following section is outright repealed: Section  
 14 38-2853, Reissue Revised Statutes of Nebraska.

15 2. Renumber the remaining sections accordingly.

(Signed) Merv Riepe, Chairperson

#### ANNOUNCEMENT(S)

Senator Craighead designates LB195 as her priority bill.

#### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 74.** Placed on Final Reading.  
**LEGISLATIVE BILL 80.** Placed on Final Reading.  
**LEGISLATIVE BILL 131.** Placed on Final Reading.  
**LEGISLATIVE BILL 132.** Placed on Final Reading.  
**LEGISLATIVE BILL 134.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Lowe name added to LB121.  
Senator McDonnell name added to LB218.  
Senator McDonnell name added to LB253.  
Senator Wayne name added to LB289.  
Senator Brewer name added to LB299.  
Senator Kolowski name added to LB438.  
Senator McDonnell name added to LB488.  
Senator Brewer name added to LB553.  
Senator Krist name added to LB617.  
Senator Brewer name added to LB637.

**VISITOR(S)**

Visitors to the Chamber were Larry Isaak and Dick Short of the Midwestern Higher Education Compact; members of the National Utility Contractors Association of Nebraska; BJ Woehler and Eric Klein of the National Utility Contractors Association from Wayne; and students from Southwest High School.

**ADJOURNMENT**

At 11:57 a.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Monday, February 27, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-SIXTH DAY - FEBRUARY 27, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 27, 2017

**PRAYER**

The prayer was offered by Father Mark Seiker, St. Elizabeth Ann Seton Catholic Church, North Platte.

**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 Senator Hansen who was excused; and Senators Friesen, McCollister, Pansing Brooks, Riepe, and Wayne who were excused until they arrive.

**SPEAKER SCHEER PRESIDING**

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fifth day was approved.

**COMMITTEE REPORT(S)**

Business and Labor

**LEGISLATIVE BILL 639.** Placed on General File with amendment.  
AM280

1 1. On page 3, line 1, strike beginning with "within" through "of"  
2 and insert "the time during which the servicemember serves on active duty  
3 as described in subdivision (1) of this section and up to one hundred  
4 eighty days after".

(Signed) Joni Albrecht, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 8.** Placed on Select File with amendment.

ER9

- 1 1. On page 9, line 9, before "court" insert "a".
- 2 2. On page 10, line 24, after "for" insert "a".
- 3 3. On page 13, line 14, strike "(2)(b)", show as stricken, and
- 4 insert "(5)(b)".
- 5 4. On page 15, line 19, strike the second "the".

**LEGISLATIVE BILL 11.** Placed on Select File.**LEGISLATIVE BILL 57.** Placed on Select File.**LEGISLATIVE BILL 10.** Placed on Select File.**LEGISLATIVE BILL 10A.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

**ANNOUNCEMENT(S)**

Senator Lowe designates LB368 as his priority bill.

The State-Tribal Relations Committee designates LB407 as its priority bill.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 49.** Introduced by Albrecht, 17.

WHEREAS, the Pender High School Dragon Flames dance team won state titles for both their Hip Hop and Pom routines at the tenth annual Nebraska State High School Cheer and Dance Championship; and

WHEREAS, over 2,000 student-athletes participated in the cheer and dance competition held by the Nebraska Coaches Association in Grand Island on February 17th and 18th, 2017; and

WHEREAS, the Pender Flames began their season in July, competing in four contests and entertaining the crowd at Pender High School home games; and

WHEREAS, these victories are a testament to the hard work, determination, and teamwork of the Lady Dragons; 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 Pender High School Dragon Flames dance team for their outstanding performances and for winning the 2017 Class D State Championship for both their Hip Hop and Pom routines.

2. That a copy of this resolution be sent to the Pender Flames and Coach Kim Bovee.

Laid over.



**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 37, 38, 39, 40, and 41 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 37, 38, 39, 40, and 41.

**GENERAL FILE**

**LEGISLATIVE BILL 46.** Senator Watermeier renewed his amendment, AM37, found on page 544.

The Watermeier amendment was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Senator Morfeld offered his amendment, AM40, found on page 339.

**SENATOR HUGHES PRESIDING****SPEAKER SCHEER PRESIDING**

Senator Morfeld moved for a call of the house. The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Senator Morfeld requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Chambers	Howard	Morfeld	Pansing Brooks	Wishart
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Voting in the negative, 31:

Albrecht	Craighead	Hilkemann	McDonnell	Walz
Blood	Ebke	Hughes	Murante	Watermeier
Bostelman	Erdman	Kolterman	Riepe	Williams
Brasch	Geist	Kuehn	Scheer	
Brewer	Groene	Lindstrom	Schumacher	
Briese	Halloran	Linehan	Smith	
Clements	Hilgers	Lowe	Stinner	

Present and not voting, 8:

Baker	Crawford	Krist	Quick
Bolz	Kolowski	McCollister	Vargas

Excused and not voting, 5:

Friesen          Hansen          Harr          Larson          Wayne

The Morfeld amendment lost with 5 ayes, 31 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

### **COMMITTEE REPORT(S)**

#### Education

The Education 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.

Chad W. Buckendahl - Technical Advisory Committee for Statewide Assessment

Aye: 6 Ebke, Groene, Kolowski, Morfeld, Pansing Brooks, Walz. Nay: 2 Erdman, Linehan. Absent: 0. Present and not voting: 0.

The Education 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.

Gwenn Aspen - Coordinating Commission for Postsecondary Education

Aye: 8 Ebke, Erdman, Groene, Kolowski, Linehan, Morfeld, Pansing Brooks, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Mike Groene, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 447A.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 447, One Hundred Fifth Legislature, First Session, 2017.

### **COMMITTEE REPORT(S)**

#### Education

**LEGISLATIVE BILL 124.** Placed on General File.

**LEGISLATIVE BILL 377.** Placed on General File.

**LEGISLATIVE BILL 427.** Placed on General File.

**LEGISLATIVE BILL 645.** Placed on General File with amendment.  
AM106

1 1. On page 3, line 4, after "disability" insert "under subdivision  
2 (13) of this section".

(Signed) Mike Groene, Chairperson

### COMMUNICATION

Acknowledge the receipt of a memorandum from Senator Chambers in response to the Order to Show Cause in the matter of the Special Committee on the Election Challenge to the Qualifications of Senator Ernie Chambers of District 11.

### GENERAL FILE

**LEGISLATIVE BILL 46.** Senator Chambers offered his amendment, FA2, found on page 358.

### SENATOR LINDSTROM PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 6:

Chambers	Pansing Brooks	Wayne
Kolowski	Vargas	Wishart

Voting in the negative, 32:

Albrecht	Craighead	Hilgers	Lowe	Stinner
Blood	Crawford	Hilkemann	McCollister	Walz
Bostelman	Ebke	Hughes	McDonnell	Watermeier
Brasch	Erdman	Kolterman	Murante	Williams
Brewer	Geist	Kuehn	Riepe	
Briese	Groene	Lindstrom	Scheer	
Clements	Halloran	Linehan	Smith	

Present and not voting, 6:

Baker	Howard	Quick
Bolz	Morfeld	Schumacher

Excused and not voting, 5:

Friesen	Hansen	Harr	Krist	Larson
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The Chambers amendment lost with 6 ayes, 32 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered his amendment, FA3, found on page 359.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 6 nays, and 20 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 6:

Chambers	Pansing Brooks	Wayne
Howard	Vargas	Wishart

Voting in the negative, 32:

Albrecht	Craighead	Halloran	Linehan	Stinner
Blood	Crawford	Hilgers	Lowe	Walz
Bostelman	Ebke	Hilkemann	McCollister	Watermeier
Brasch	Erdman	Hughes	McDonnell	Williams
Brewer	Friesen	Kolterman	Murante	
Briese	Geist	Kuehn	Riepe	
Clements	Groene	Lindstrom	Scheer	

Present and not voting, 8:

Baker	Harr	Krist	Quick
Bolz	Kolowski	Morfeld	Schumacher

Excused and not voting, 3:

Hansen	Larson	Smith
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The Chambers amendment lost with 6 ayes, 32 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

### COMMITTEE REPORT(S)

#### Enrollment and Review

**LEGISLATIVE BILL 85.** Placed on Select File with amendment.

ER11

1 1. In the Standing Committee amendments, AM30, on page 5, line 21, 2 strike "32,607" and insert "32-607".

3 2. On page 1, strike beginning with "32-602" in line 1 through line 4 7 and insert "32-602, 32-607, and 49-1401, Reissue Revised Statutes of 5 Nebraska, and section 49-14,123, Revised Statutes Cumulative Supplement, 6 2016; to change provisions of the Election Act relating to eligibility to

7 file for office and candidate filing forms; to provide a requirement for  
8 persons appointed to certain elective or appointive offices; to provide a  
9 duty for the Nebraska Accountability and Disclosure Commission; to  
10 harmonize provisions; and to repeal the original sections."

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

The Government, Military and Veterans 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.

Roger Dixon - Nebraska Tourism Commission  
Mitch Glidden - Nebraska Tourism Commission  
Tony Moody - Nebraska Tourism Commission  
Carol Schlegel - Nebraska Tourism Commission

Aye: 8 Blood, Brewer, Briese, Craighead, Hilgers, Lowe, Murante, Wayne.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans 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.

Mary Shanahan - State Personnel Board

Aye: 8 Blood, Brewer, Briese, Craighead, Hilgers, Lowe, Murante, Wayne.  
Nay: 0. Absent: 0. Present and not voting: 0.

**LEGISLATIVE BILL 222.** Placed on General File.

**LEGISLATIVE BILL 318.** Placed on General File.

**LEGISLATIVE RESOLUTION 6.** Placed on General File.

**LEGISLATIVE RESOLUTION 18CA.** Placed on General File.

**LEGISLATIVE BILL 151.** Placed on General File with amendment.  
AM334 is available in the Bill Room.

**LEGISLATIVE BILL 280.** Placed on General File with amendment.  
AM48

1 1. Strike original sections 4 and 5 and insert the following new  
2 sections:

3 Sec. 4. Section 84-907.03, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 84-907.03 There is hereby created the Secretary of State

6 Administration Cash Fund. The fund shall consist of revenue received to  
 7 defray costs as authorized in sections 25-3308 and 84-901 to 84-908. The  
 8 revenue shall be collected by the Secretary of State and remitted to the  
 9 State Treasurer for credit to the fund. The fund shall be used to (1)  
 10 offset expenses incurred as a result of sections 84-901 to 84-908, (2)  
 11 ~~administer the Address Confidentiality Act, (3) administer the Nebraska~~  
 12 Uniform Athlete Agents Act, and ~~(3) (4) administer the Nonrecourse Civil~~  
 13 Litigation Act.

14 Any money in the fund available for investment shall be invested by  
 15 the state investment officer pursuant to the Nebraska Capital Expansion  
 16 Act and the Nebraska State Funds Investment Act.

17 Sec. 5. Section 9-531, Uniform Commercial Code, Revised Statutes  
 18 Cumulative Supplement, 2016, is amended to read:

19 9-531 (a) There is created the Uniform Commercial Code Cash Fund.  
 20 Except as otherwise specifically provided, all funds received pursuant to  
 21 this part and sections 52-1312, 52-1313, 52-1316, and 52-1602, Reissue  
 22 Revised Statutes of Nebraska, shall be placed in the fund and used by the  
 23 Secretary of State to carry out this part, the Address Confidentiality  
 24 Act, sections 52-1301 to 52-1322, Reissue Revised Statutes of Nebraska,  
 25 and sections 52-1601 to 52-1605, Reissue Revised Statutes of Nebraska,  
 26 except that transfers from the Uniform Commercial Code Cash Fund to the  
 27 General Fund, the Election Administration Fund, and the Records  
 1 Management Cash Fund may be made at the direction of the Legislature.

2 (b)(1) The Secretary of State shall furnish each county clerk with  
 3 computer terminal hardware, including a printer, compatible with the  
 4 centralized computer system implemented and maintained pursuant to  
 5 section 9-529, for inquiries and searches of information in such  
 6 centralized computer system. The terminals shall be readily and  
 7 reasonably available and accessible to members of the public for such  
 8 inquiries and searches.

9 (2) The fees charged by county clerks for inquiries and other  
 10 services regarding information in the centralized computer system shall  
 11 be the same as set forth for filing offices in this part.

12 2. Amend the repealer and renumber the remaining section  
 13 accordingly.

**LEGISLATIVE BILL 624.** Placed on General File with amendment.  
 AM330

1 1. On page 2, line 4, strike "and pays a fee of twenty-five  
 2 dollars"; in lines 9 and 10 and 12 strike "the fee and"; and in line 14  
 3 strike "payment of the fee and".

**LEGISLATIVE BILL 655.** Placed on General File with amendment.  
 AM177

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

3 Section 1. (1) For purposes of this section, government agency  
 4 means any political subdivision of the State of Nebraska; any agency,  
 5 created by the Constitution of Nebraska, statute, or otherwise pursuant

6 to law, of the executive department of the State of Nebraska; and any  
7 independent board, commission, bureau, committee, council, subunit, or  
8 other body created by the Constitution of Nebraska, statute, or otherwise  
9 pursuant to law.

10 (2) The individual or entity charged with governance of a government  
11 agency may permit an employee of the government agency to participate in  
12 volunteer activities at a public elementary, middle, or high school, or a  
13 nonprofit organization that focuses on such education, during normal work  
14 hours, without loss of pay, vacation time, sick leave, or earned overtime  
15 accumulation. The individual or entity charged with governance of a  
16 government agency may adopt and promulgate rules and regulations as  
17 necessary regarding such activities.

(Signed) John Murante, Chairperson

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator McDonnell name added to LB300.  
Senator Watermeier name added to LB589.  
Senator Kolowski name added to LR47.  
Senator Watermeier name added to LR48.

#### **VISITOR(S)**

Visitors to the Chamber were members of the Urban League of Young Professionals.

The Doctor of the Day was Dr. Amy Jespersen from Omaha.

#### **ADJOURNMENT**

At 11:54 a.m., on a motion by Senator Baker, the Legislature adjourned until 9:00 a.m., Tuesday, February 28, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature





**THIRTY-SEVENTH DAY - FEBRUARY 28, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 28, 2017

**PRAYER**

The prayer was offered by Senator Hilkemann.

**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 Vargas who was excused; and Senators Kuehn, McCollister, Morfeld, and Stinner who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-sixth day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 42, 43, 44, and 45 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 42, 43, 44, and 45.

**ANNOUNCEMENT**

The Chair announced the birthday of Senator Bolz.

**GENERAL FILE**

**LEGISLATIVE BILL 46.** Senator Chambers offered his amendment, FA4, found on page 359.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 4 nays, and 23 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 32:

Albrecht	Ebke	Hilgers	Linehan	Stinner
Bostelman	Erdman	Hilkemann	Lowe	Walz
Brasch	Friesen	Hughes	McDonnell	Watermeier
Brewer	Geist	Kolterman	Murante	Williams
Briese	Groene	Kuehn	Riepe	
Clements	Halloran	Larson	Scheer	
Craighead	Hansen	Lindstrom	Smith	

Present and not voting, 13:

Baker	Crawford	Krist	Pansing Brooks	Wayne
Blood	Howard	McCollister	Quick	
Bolz	Kolowski	Morfeld	Schumacher	

Absent and not voting, 1:

Wishart

Excused and not voting, 2:

Harr Vargas

The Chambers amendment lost with 1 aye, 32 nays, 13 present and not voting, 1 absent and not voting, and 2 excused and not voting.

Senator Watermeier offered the following motion:

MO41

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Chambers moved, pursuant to Rule 7, Sec. 5, to raise the call.

The motion to raise the call failed.

Senator Watermeier requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 36:

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

Voting in the negative, 6:

Chambers	Krist	Pansing Brooks
Hansen	Morfeld	Walz

Present and not voting, 6:

Baker	Howard	McCollister
Blood	Kolowski	Schumacher

Excused and not voting, 1:

Vargas

The Watermeier motion to invoke cloture prevailed with 36 ayes, 6 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 7 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

#### **SENATOR LINDSTROM PRESIDING**

#### **COMMITTEE REPORT(S)** Health and Human Services

**LEGISLATIVE BILL 283.** Placed on General File.

**LEGISLATIVE BILL 91.** Placed on General File with amendment.

AM331

1 1. On page 2, line 6; and page 4, line 27, after the last comma  
2 insert "X-linked adrenoleukodystrophy (X-ALD), mucopolysaccharidoses type  
3 1 (MPS-1), Pompe disease,".

(Signed) Merv Riepe, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 50.** Introduced by Krist, 10.

WHEREAS, the State of Nebraska recognizes there are families adversely affected by problem gambling; and

WHEREAS, the State of Nebraska allocates funds to provide education, counseling, and support to families affected by problem gambling; and

WHEREAS, the key to recognizing problem gambling is awareness; and

WHEREAS, educating citizens about the dangers of problem gambling is crucial to preventing problem gambling.

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

1. That the Legislature recognizes March 2017 as Problem Gambling Awareness Month in Nebraska.

2. That a copy of this resolution be sent to the National Council on Problem Gambling, the Nebraska Council on Compulsive Gambling, and the Nebraska Commission on Problem Gambling.

Laid over.

**ANNOUNCEMENT(S)**

Senator Hilgers designates LB68 as his priority bill.

**MOTION - Adjournment**

Senator Chambers moved to adjourn until 9:00 a.m., Wednesday, March 1, 2017.

The motion failed.

**GENERAL FILE**

**LEGISLATIVE BILL 46A.** Title read. Considered.

Senator Chambers offered the following amendment:

FA28

Page 2, strike lines 5-7.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 4 nays, and 22 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 33:

Albrecht	Clements	Halloran	Linehan	Stinner
Baker	Craighead	Hilgers	Lowe	Walz
Blood	Ebke	Hilkemann	McCollister	Watermeier
Bostelman	Erdman	Hughes	McDonnell	Williams
Brasch	Friesen	Kolterman	Murante	Wishart
Brewer	Geist	Kuehn	Riepe	
Briese	Groene	Lindstrom	Smith	

Present and not voting, 12:

Bolz	Hansen	Krist	Quick
Chambers	Howard	Morfeld	Schumacher
Crawford	Kolowski	Pansing Brooks	Wayne

Excused and not voting, 4:

Harr	Larson	Scheer	Vargas
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The Chambers amendment lost with 0 ayes, 33 nays, 12 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO42

Reconsider the vote taken on FA28.

#### **SENATOR HUGHES PRESIDING**

Senator Chambers requested a record vote on the motion to reconsider.

Voting in the affirmative, 2:

Hughes	McCollister
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Voting in the negative, 24:

Albrecht	Clements	Groene	Kuehn	Scheer
Blood	Crawford	Halloran	Lindstrom	Walz
Bostelman	Ebke	Hansen	Linehan	Watermeier
Brasch	Erdman	Hilgers	Lowe	Wishart
Brewer	Geist	Kolterman	Riepe	

Present and not voting, 18:

Baker	Hilkemann	McDonnell	Quick	Wayne
Bolz	Howard	Morfeld	Schumacher	Williams
Briese	Kolowski	Murante	Smith	
Chambers	Krist	Pansing Brooks	Stinner	

Excused and not voting, 5:

Craighead	Friesen	Harr	Larson	Vargas
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The Chambers motion to reconsider failed with 2 ayes, 24 nays, 18 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following motion:

MO43

Indefinitely postpone.

Pending.

### COMMITTEE REPORT(S)

Business and Labor

**LEGISLATIVE BILL 248.** Placed on General File with amendment.  
AM301

- 1 1. On page 3, line 31, before "Beginning" insert "(1)".
- 2 2. On page 4, strike beginning with the last comma in line 9 through
- 3 the period in line 11 and insert "
- 4 (2) No payment shall be made from the Youth Opportunities in
- 5 Learning and Occupations Fund for a grant awarded pursuant to this
- 6 section until the commissioner has received evidence that the entity
- 7 receiving such grant award has either received matching funds from
- 8 another source or irrevocably committed funds of the entity to be used
- 9 for the purposes of the grant in an amount equal to or greater than the
- 10 amount of the grant award. Such matching funds may be from any source,
- 11 including private foundations, federal or local government sources, or
- 12 quasi-governmental entities, that is not using money appropriated by the
- 13 Legislature to provide the matching funds. Money used to meet the
- 14 matching funds requirement and money received pursuant to the grant award
- 15 may not be used for capital construction.
- 16 (3)"; and in line 28 after the comma insert "requirements for
- 17 evidence regarding matching funds."
- 18 3. On page 5, strike beginning with "Money" in line 8 through line
- 19 15; and in lines 23 and 24, strike "twenty million" and insert "two
- 20 million five hundred thousand".

(Signed) Joni Albrecht, Chairperson

**ANNOUNCEMENT(S)**

Senator Wishart designates LB622 as her priority bill.

Senator Geist designates LB271 as her priority bill.

**COMMUNICATION**

Acknowledge the receipt of a memorandum from John Sciara in response to the Order to Show Cause in the matter of the Special Committee on the Election Challenge to the Qualifications of Senator Ernie Chambers of District 11.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Blood name added to LB121.

Senator Brewer name added to LB289.

**ADJOURNMENT**

At 12:05 p.m., on a motion by Senator Stinner, the Legislature adjourned until 9:00 a.m., Wednesday, March 1, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature





**THIRTY-EIGHTH DAY - MARCH 1, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 1, 2017

**PRAYER**

The prayer was offered by Senator Wishart.

**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 Senators Blood, Friesen, Harr, and Vargas who were excused; and Senators McDonnell and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-seventh day was approved.

**NOTICE OF COMMITTEE HEARING(S)**

Revenue

Room 1524

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

LB374  
LB467  
LB543  
LB565

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

LB592  
LB613  
LR17CA

Friday, March 17, 2017 1:30 p.m.

LB361  
LB438

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

LB362  
LB373

(Signed) Jim Smith, Chairperson

**COMMITTEE REPORT(S)**  
Health and Human Services

**LEGISLATIVE BILL 88.** Placed on General File with amendment.  
AM391

1 1. Strike original sections 16 and 18 and insert the following new  
2 sections:  
3 Sec. 2. Section 38-105, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 38-105 For purposes of the Uniform Credentialing Act, unless the  
6 context otherwise requires, the definitions found in sections 38-106 to  
7 38-120 and section 3 of this act apply.  
8 Sec. 3. Military spouse means the spouse of an officer or enlisted  
9 person on active duty in the armed forces of the United States.  
10 2. On page 4, line 30, after the period insert "This section shall  
11 not apply to a license to practice dentistry, including a temporary  
12 license under section 38-1123.".  
13 3. On page 5, strike line 24 and insert "until the application for  
14 the regular credential is approved or rejected, not to exceed one year.".  
15 4. On page 10, line 4, after "who" insert "is".  
16 5. On page 23, lines 16 and 31, before "The" insert "(1)".  
17 6. On page 23, after line 28; and page 24, after line 16, insert the  
18 following new subsection:  
19 "(2) This section shall not apply to a temporary credential issued  
20 as provided under section 5 of this act.".  
21 7. Renumber the remaining sections and correct internal references  
22 and the repealer accordingly.

**LEGISLATIVE BILL 285.** Placed on General File with amendment.  
AM423

1 1. Strike original sections 2 and 4 and insert the following new  
2 section:  
3 Sec. 2. Section 71-531, Revised Statutes Cumulative Supplement,  
4 2016, is amended to read:  
5 71-531 ~~(1)(a) No person may be tested for the presence of the human~~  
6 ~~immunodeficiency virus infection unless he or she has given written~~  
7 ~~informed consent for the performance of such test. The written informed~~

8 consent shall provide an explanation of human immunodeficiency virus  
9 infection and the meaning of both positive and negative test results.

10 (b) If a person signs a general consent form for the performance of  
11 medical tests or procedures which informs the person that a test for the  
12 presence of the human immunodeficiency virus infection may be performed  
13 and that the person may refuse to have such test performed, the signing  
14 of an additional consent for the specific purpose of consenting to a test  
15 related to human immunodeficiency virus is not required during the time  
16 in which the general consent form is in effect.

17 (2) If a person is unable to provide consent, the person's legal  
18 representative may provide consent. If the person's legal representative  
19 cannot be located or is unavailable, a health care provider may authorize  
20 the test when the test results are necessary for diagnostic purposes to  
21 provide appropriate medical care.

22 (1) ~~(3)~~ A person seeking a human immunodeficiency virus test shall  
23 have the right to remain anonymous. If an anonymous test is requested, a  
24 A health care provider shall confidentially refer such person to a site  
25 which provides anonymous testing.

26 (4) This section shall not apply to:

27 (a) The performance by a health care provider or a health facility  
1 of a human immunodeficiency virus test when the health care provider or  
2 health facility procures, processes, distributes, or uses a human body  
3 part for a purpose specified under the Revised Uniform Anatomical Gift  
4 Act and such test is necessary to assure medical acceptability of such  
5 gift for the purposes intended;

6 (2) ~~When (b) The performance by a health care provider or a health~~  
7 ~~facility performs of a human immunodeficiency virus test when such test~~  
8 ~~is performed with the consent and written authorization of the person~~  
9 ~~being tested and such test is for insurance underwriting purposes,~~  
10 ~~written information about the human immunodeficiency virus is provided,~~  
11 ~~including, but not limited to, the identification and reduction of risks,~~  
12 ~~the person is informed of the result of such test, and when the result is~~  
13 ~~positive, the person being tested shall be is referred for posttest~~  
14 ~~treatment, counseling;~~

15 (3) ~~When (e) The performance of a human immunodeficiency virus test~~  
16 ~~is performed by licensed medical personnel of the Department of~~  
17 ~~Correctional Services on an individual when the subject of the test is~~  
18 ~~committed to such department, the . Posttest counseling shall be required~~  
19 ~~for the subject if the test is positive. A person committed to the~~  
20 ~~department Department of Correctional Services shall be informed by the~~  
21 ~~department (a) (i) if he or she is being tested for the human~~  
22 ~~immunodeficiency virus, (b) (ii) that education shall be provided to him~~  
23 ~~or her about the human immunodeficiency virus, including, but not limited~~  
24 ~~to, the identification and reduction of risks, and (c) (iii) of the test~~  
25 ~~result and the meaning of such result. Posttest counseling shall be~~  
26 ~~required for the subject of the test if such test is positive. ;~~

27 (d) ~~Human immunodeficiency virus home collection kits licensed by~~  
28 ~~the federal Food and Drug Administration; or~~

29 (e) ~~The performance of a human immunodeficiency virus test performed~~

30 pursuant to section 29-2290 or sections 71-507 to 71-513 or 71-514.01 to  
 31 71-514.05.  
 1 2. Renumber the remaining section and amend the repealer  
 2 accordingly.

(Signed) Merv Riepe, Chairperson

Judiciary

**LEGISLATIVE BILL 173.** Placed on General File.

**LEGISLATIVE BILL 289.** Placed on General File.

**LEGISLATIVE BILL 204.** Placed on General File with amendment.

AM306

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

2 sections:

3 Section 1. Section 24-1106, Reissue Revised Statutes of Nebraska,  
 4 2008, is amended to read:

5 24-1106 (1) In cases which were appealable to the Supreme Court  
 6 before September 6, 1991, the appeal, if taken, shall be to the Court of  
 7 Appeals except in capital cases, cases in which life imprisonment has  
 8 been imposed, and cases involving the constitutionality of a statute.

9 (2) Any party to a case appealed to the Court of Appeals may file a  
 10 petition in the Supreme Court to bypass the review by the Court of  
 11 Appeals and for direct review by the Supreme Court. The procedure and  
 12 time for filing the petition shall be as provided by rules of the Supreme  
 13 Court. In deciding whether to grant the petition, the Supreme Court may  
 14 consider one or more of the following factors:

15 (a) Whether the case involves a question of first impression or  
 16 presents a novel legal question;

17 (b) Whether the case involves a question of state or federal  
 18 constitutional interpretation;

19 (c) Whether the case raises a question of law regarding the validity  
 20 of a statute;

21 (d) Whether the case involves issues upon which there is an  
 22 inconsistency in the decisions of the Court of Appeals or of the Supreme  
 23 Court; ~~and~~

24 (e) Whether the case is one of significant public interest; and -

25 (f) Whether the case involves a question of qualified immunity in  
 26 any civil action under 42 U.S.C. 1983, as the section existed on the  
 27 effective date of this act.

1 When a petition for direct review is granted, the case shall be  
 2 docketed for hearing before the Supreme Court.

3 (3) The Supreme Court shall by rule provide for the removal of a  
 4 case from the Court of Appeals to the Supreme Court for decision by the  
 5 Supreme Court at any time before a final decision has been made on the  
 6 case by the Court of Appeals. The removal may be on the recommendation of  
 7 the Court of Appeals or on motion of the Supreme Court. Cases may be  
 8 removed from the Court of Appeals for decision by the Supreme Court for

9 any one or more of the reasons set forth in subsection (2) of this  
 10 section or in order to regulate the caseload existing in either the Court  
 11 of Appeals or the Supreme Court. The Chief Judge of the Court of Appeals  
 12 and the Chief Justice of the Supreme Court shall regularly inform each  
 13 other of the number and nature of cases docketed in the respective court.  
 14 Sec. 2. Any employee of the state, as defined in section 81-8,210,  
 15 sued in an individual capacity for an act or omission occurring in  
 16 connection with duties performed on the state's behalf, regardless of  
 17 whether the employee is also sued in an official capacity, must be served  
 18 by serving the employee under section 25-508.01 and also by serving the  
 19 state under section 25-510.02.  
 20 Sec. 3. Section 25-1332, Reissue Revised Statutes of Nebraska, is  
 21 amended to read:  
 22 25-1332 (1) The motion shall be served at least ten days before the  
 23 time fixed for the hearing. The adverse party prior to the day of hearing  
 24 may serve opposing affidavits. The judgment sought shall be rendered  
 25 forthwith if the pleadings and the evidence admitted at the hearing show  
 26 that there is no genuine ~~dispute~~ ~~issue~~ as to any material fact and that  
 27 the moving party is entitled to a judgment as a matter of law. The  
 28 evidence that may be received on a motion for summary judgment includes  
 29 depositions, answers to interrogatories, admissions, stipulations, and  
 30 affidavits. A summary judgment, interlocutory in character, may be  
 31 rendered on the issue of liability alone although there is a genuine  
 1 ~~dispute~~ ~~issue~~ as to the amount of damages.  
 2 (2) A party asserting that a fact cannot be or is genuinely disputed  
 3 must support the assertion by:  
 4 (a) Citing to particular parts of materials in the record, including  
 5 depositions, answers to interrogatories, admissions, stipulations,  
 6 affidavits, or other materials; or  
 7 (b) Showing that the materials cited do not establish the absence or  
 8 presence of a genuine dispute, or that an adverse party cannot produce  
 9 admissible evidence to support the fact.  
 10 (3) If a party fails to properly support an assertion of fact or  
 11 fails to properly address another party's assertion of fact as required  
 12 by subsection (2) of this section, the court may:  
 13 (a) Give an opportunity to properly support or address the fact;  
 14 (b) Consider the fact undisputed for purposes of the motion;  
 15 (c) Grant summary judgment if the motion and supporting materials,  
 16 including the facts considered undisputed, show that the movant is  
 17 entitled to summary judgment; or  
 18 (d) Issue any other appropriate order.  
 19 Sec. 4. Original section 24-1106, Reissue Revised Statutes of  
 20 Nebraska, 2008, and section 25-1332, Reissue Revised Statutes of  
 21 Nebraska, are repealed.

**LEGISLATIVE BILL 243.** Placed on General File with amendment.  
 AM285

1 1. Strike section 1 and insert the following new section:  
 2 Section 1. (1) For purposes of this section, secure state

3 institution includes:  
4 (a) Any facility operated by the Department of Correctional Services  
5 which is used for housing inmates;  
6 (b) The Lincoln Regional Center, Norfolk Regional Center, and  
7 Hastings Regional Center; and  
8 (c) The Youth Rehabilitation and Treatment Center-Kearney and the  
9 Youth Rehabilitation and Treatment Center-Geneva.  
10 (2) If a person employed at a secure state institution is assaulted  
11 by another person housed or held in such institution, the administrator  
12 in charge of the secure state institution shall:  
13 (a) Inform the victim of the assault of all disciplinary actions  
14 that are being taken against the person alleged to have committed the  
15 assault. When all such disciplinary actions have been completed, the  
16 administrator in charge of the secure state institution shall inform the  
17 victim of the results of such disciplinary actions; and  
18 (b) Inform the appropriate county attorney of such assault. The  
19 county attorney shall notify the victim of the assault of the charges  
20 being filed against the person alleged to have committed the assault or  
21 the county attorney's rationale for not prosecuting the assault. The  
22 notification shall also be sent to a representative of the victim's labor  
23 union, if any. A victim may request that his or her labor union not be  
24 notified.  
25 (3) The Department of Health and Human Services shall submit  
26 quarterly reports to the Governor, the Clerk of the Legislature, the  
27 chairperson of the Judiciary Committee of the Legislature, and the  
1 chairperson of the Health and Human Services Committee of the Legislature  
2 on the assaults that occur at secure state institutions under the  
3 department's authority. The reports submitted to the Legislature shall be  
4 submitted electronically. Each report shall contain the following  
5 information from the most recently completed calendar quarter:  
6 (a) The total number of assaults that occurred at each such secure  
7 state institution;  
8 (b) The number of assaults that involved a patient or resident  
9 assaulting another patient or resident;  
10 (c) The number of assaults that involved a patient or resident  
11 assaulting an employee of the secure state institution;  
12 (d) The number of assaults that occurred by category of severity,  
13 including assaults that resulted in a serious injury, assaults that  
14 resulted in a nonserious injury, and assaults that did not result in an  
15 injury; and  
16 (e) The reason that the department was housing or holding each  
17 person alleged to have committed an assault.  
18 (4) Nothing in this section shall be construed to prohibit a victim  
19 from reporting any assault to the appropriate prosecuting authority or to  
20 diminish any rights granted by section 81-1848.

**LEGISLATIVE BILL 258.** Placed on General File with amendment.  
AM339

1 1. On page 2, line 19, after "or" insert "renew".

**LEGISLATIVE BILL 296.** Placed on General File with amendment.

AM276

1 1. On page 3, strike lines 3 through 11 and insert the following new  
2 subsections:

3 "(4) A physician or other health care professional may prescribe  
4 medication pursuant to a non-patient-specific standing order for response  
5 to life-threatening asthma or anaphylaxis to a school or early childhood  
6 education program as described in subsection (1) of this section. The  
7 physician or other health care professional shall be immune from  
8 liability for prescribing medication pursuant to a non-patient-specific  
9 standing order unless the physician does not exercise reasonable care  
10 under the circumstances in signing the order. In no circumstance shall a  
11 physician or other health care professional be liable for the act or  
12 omission of another who provides or in any way administers the medication  
13 prescribed by the physician or other health care professional.  
14 (5) A pharmacist may dispense medication pursuant to a non-patient-  
15 specific standing order for response to life-threatening asthma or  
16 anaphylaxis to a school or early childhood education program as described  
17 in subsection (1) of this section. The pharmacist shall be immune from  
18 liability for dispensing medication pursuant to a non-patient-specific  
19 standing order unless the pharmacist does not exercise reasonable care  
20 under the circumstances in dispensing the medication. In no circumstance  
21 shall a pharmacist be liable for the act or omission of another who  
22 provides or in any way administers the medication dispensed by the  
23 pharmacist."

**LEGISLATIVE BILL 492.** Placed on General File with amendment.

AM310

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

3 Section 1. Sections 1 to 9 of this act shall be known and may be  
4 cited as the Self-Service Storage Facilities Act.  
5 Sec. 2. For purposes of the Self-Service Storage Facilities Act:  
6 (1) Commercially reasonable sale means a sale that (a) is conducted  
7 at the self-service storage facility or on a publicly accessible web site  
8 that conducts lien sales and (b) is attended by at least three persons  
9 who appear personally, online, by telephone, or by any other method;  
10 (2) Default means the failure to perform on time any obligation or  
11 duty set forth in a rental agreement;  
12 (3) Electronic mail means an electronic message or an executable  
13 program or computer file that contains an image of a message that is  
14 transmitted between two or more computers or electronic terminals and  
15 includes electronic messages that are transmitted within or between  
16 computer networks;  
17 (4) Emergency means any sudden, unexpected occurrence or  
18 circumstance at or near a self-service storage facility that requires  
19 immediate action to avoid injury to persons or property at or near the  
20 self-service storage facility, including, but not limited to, a fire;  
21 (5) Last-known address means the postal address or electronic mail

22 address provided by an occupant in a rental agreement or the postal  
23 address or electronic mail address provided by the occupant in a  
24 subsequent written notice of a change of address;  
25 (6) Leased space means the individual storage space at a self-  
26 service storage facility which is rented to an occupant pursuant to a  
27 rental agreement;  
1 (7) Occupant means a person entitled to the use of leased space at a  
2 self-service storage facility under a rental agreement or his or her  
3 successors or assigns;  
4 (8) Operator means the owner, operator, lessor, or sublessor of a  
5 self-service storage facility or an agent or any other person authorized  
6 to manage the facility. Operator does not include a warehouseman if the  
7 warehouseman issues a warehouse receipt, bill of lading, or other  
8 document of title for the personal property stored;  
9 (9) Personal property means movable property not affixed to land.  
10 Personal property includes, but is not limited to, goods, wares,  
11 merchandise, motor vehicles, watercraft, household items, and  
12 furnishings;  
13 (10) Property which has no commercial value means property offered  
14 for sale in a commercially reasonable sale that receives no bid or offer;  
15 (11) Rental agreement means any written agreement or lease that  
16 establishes or modifies the terms, conditions, or rules concerning the  
17 use and occupancy of a self-service storage facility;  
18 (12) Self-service storage facility means any real property used for  
19 renting or leasing individual storage spaces in which the occupants  
20 customarily store and remove their own personal property on a self-  
21 service basis; and  
22 (13) Verified mail means any method of mailing offered by the United  
23 States Postal Service that provides evidence of the mailing.  
24 Sec. 3. (1) An operator shall not knowingly permit a leased space  
25 at a self-service storage facility to be used for residential purposes.  
26 (2) An occupant shall not use a leased space for residential  
27 purposes.  
28 Sec. 4. An occupant, upon reasonable request from the operator,  
29 shall allow the operator to enter a leased space for the purpose of  
30 inspection or repair. If an emergency occurs, an operator may enter a  
31 leased space for inspection or repair without notice to or consent from  
1 the occupant.  
2 Sec. 5. (1) The operator of a self-service storage facility and the  
3 operator's heirs, executors, administrators, successors, and assigns  
4 shall have a lien upon all of an occupant's personal property located at  
5 the self-service storage facility for delinquent rent, late fees, labor,  
6 or other charges incurred pursuant to a rental agreement and for expenses  
7 incurred for preservation, sale, or disposition of the personal property.  
8 The lien established by this subsection shall have priority over all  
9 other liens except for tax liens and liens or security interests of any  
10 lienholder or security interest holder of record on such personal  
11 property that are perfected or recorded prior to, on, or after the date  
12 on which the personal property is placed in a leased space.



13 (2) The lien described in subsection (1) of this section attaches on  
14 the date on which personal property is placed in a leased space.  
15 (3) The rental agreement shall contain a statement, in bold type,  
16 advising the occupant:  
17 (a) Of the existence of the lien; and  
18 (b) That personal property stored in the leased space may be sold to  
19 satisfy the lien if the occupant is in default.  
20 (4) If the rental agreement specifies a limit on the value of  
21 personal property that the occupant may store in the leased space, such  
22 limit shall be deemed to be the maximum value of the personal property in  
23 the occupant's leased space.  
24 Sec. 6. If any part of the rent or other charges due from the  
25 occupant are in default, the operator shall have the right to deny the  
26 occupant access to the leased space at the self-service storage facility.  
27 Sec. 7. (1) If an occupant is in default for a period of more than  
28 forty-five days, the operator may enforce the lien granted in section 5  
29 of this act by selling the occupant's stored personal property for cash.  
30 Sale of the occupant's personal property may be by public or private  
31 proceedings. Such personal property may be sold as a unit or in parcels,  
1 by way of one or more contracts, at any time or place, and on any terms  
2 as long as the sale is a commercially reasonable sale. The operator may  
3 otherwise dispose of any property which has no commercial value.  
4 (2) Before conducting a sale under this section, the operator shall:  
5 (a) At least forty-five days before the sale, send notice of default  
6 to the occupant by verified mail or electronic mail pursuant to  
7 subdivision (8)(a) of this section. The notice of default shall include:  
8 (i) A statement that the contents of the occupant's leased space are  
9 subject to the operator's lien;  
10 (ii) A statement of the operator's claim, indicating the charges due  
11 on the date of the notice, the amount of any additional charges which  
12 shall become due before the date of sale, and the date such additional  
13 charges shall become due;  
14 (iii) A demand for payment of the charges due within a specified  
15 time, which shall not be less than ten days after the date of the notice;  
16 (iv) A statement that unless the claim is paid within the time  
17 stated, the contents of the occupant's leased space will be sold after a  
18 specified time; and  
19 (v) The name, street address, and telephone number of the operator  
20 or a designated agent whom the occupant may contact to respond to the  
21 notice; and  
22 (b) At least seven days before the sale, advertise the time, place,  
23 and terms of the sale in any commercially reasonable manner. The manner  
24 of advertisement is deemed commercially reasonable if at least three  
25 independent bidders attend the sale in person or online at the time and  
26 place advertised. A copy of the advertisement of sale shall be provided  
27 at least seven days before the sale to the holder of any lien or security  
28 interest of record on the personal property being sold.  
29 (3) The operator may buy the occupant's personal property at any  
30 public sale held pursuant to this section.

31 (4) If the personal property subject to the operator's lien is a  
1 vehicle, watercraft, or trailer and rent and other charges remain unpaid  
2 for sixty days, the operator may have the vehicle, watercraft, or trailer  
3 towed from the self-service storage facility. The operator shall not be  
4 liable for any damages to the vehicle, watercraft, or trailer once the  
5 tower takes possession of the property. Removal of any vehicle,  
6 watercraft, or trailer from the self-service storage facility shall not  
7 release the operator's lien.

8 (5) At any time before a sale is held under this section or before a  
9 vehicle, watercraft, or trailer is towed under this section, the occupant  
10 may pay the amount necessary to satisfy the lien and redeem the  
11 occupant's personal property.

12 (6) If a sale is held under this section, the operator shall:  
13 (a) Apply the proceeds of the sale in the following order:  
14 (i) To satisfy the actual expenses incurred in conducting the sale,  
15 including the costs for notice and advertisement of the sale, in an  
16 amount not to exceed five hundred dollars;  
17 (ii) To satisfy the obligations secured by the lien or security  
18 interest of any lienholder or security interest holder of record; and  
19 (iii) To satisfy the operator's lien; and  
20 (b) Hold the balance of the proceeds remaining after the  
21 disbursements described in subdivision (6)(a) of this section, if any,  
22 for delivery on demand to the occupant for a period of one year after the  
23 date of such sale. The operator shall have no liability to any party for  
24 excess proceeds paid to the occupant. After the one-year period, any  
25 remaining proceeds shall be considered abandoned property to be reported  
26 and paid to the State Treasurer in accordance with the Uniform  
27 Disposition of Unclaimed Property Act.

28 (7) A purchaser in good faith of any personal property sold pursuant  
29 to this section to satisfy the lien granted in section 5 of this act  
30 takes the property free and clear of any rights of persons against whom  
31 the lien was valid.

1 (8)(a) Notices to the occupant under subdivision (2)(a) of this  
2 section shall be sent to the occupant's last-known address by verified  
3 mail or electronic mail. Notices sent by verified mail shall be deemed  
4 delivered when deposited with the United States Postal Service if they  
5 are properly addressed with postage prepaid. Notices sent by electronic  
6 mail shall be deemed delivered when an electronic message is sent to the  
7 last-known address provided by the occupant. If the operator sends notice  
8 by electronic mail and receives an automated message stating that the  
9 electronic mail cannot be delivered, the operator shall send notice by  
10 verified mail to the occupant's last-known address with postage prepaid.  
11 (b) The copy of the advertisement of sale provided to the holder of  
12 any lien or security interest of record under subdivision (2)(b) of this  
13 section shall be sent to the last-known address of the lienholder or  
14 security interest holder by United States mail. The copy of the  
15 advertisement shall be deemed delivered when deposited with the United  
16 States Postal Service if it is properly addressed with postage prepaid.  
17 (9) If the operator complies with the requirements of this section,

18 the operator's liability:  
19 (a) To the occupant shall be limited to the net proceeds received  
20 from the sale of the occupant's personal property less any proceeds paid  
21 to the holders of any lien or security interest of record on the personal  
22 property being sold; and  
23 (b) To the holders of any lien or security interest of record on the  
24 personal property being sold shall be limited to the net proceeds  
25 received from the sale of any personal property covered by the holder's  
26 lien or security interest.  
27 Sec. 8. Unless the rental agreement specifically provides otherwise  
28 and until a lien sale under section 7 of this act, the exclusive care,  
29 custody, and control of all personal property stored in a leased space  
30 remains vested in the occupant.  
31 Sec. 9. The Self-Service Storage Facilities Act does not impair the  
1 power of the parties to a rental agreement to create rights, duties, or  
2 obligations that do not arise from the act. The rights provided to an  
3 operator by the act are in addition to all other rights provided by law  
4 to a creditor against a debtor.

(Signed) Laura Ebke, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 310.** Placed on General File.  
**LEGISLATIVE BILL 472.** Placed on General File.  
**LEGISLATIVE BILL 483.** Placed on General File.

(Signed) Curt Friesen, Chairperson

#### **MESSAGE(S) FROM THE GOVERNOR**

February 28, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Public Employees Retirement Board:

James D. Schulz, 6601 South 66 Street, Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

February 28, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Racing Commission:

Thomas Patterson, 1225 North Street, Cambridge, NE 69022

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

February 28, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Board of Trustees of the Nebraska State Colleges:

Carter Peterson, 502 Douglas Street, Wayne, NE 68787  
Gary Bieganski, 706 Bordeaux Road, Chadron, NE 69337-9339

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

**RECESS**

At 9:07 a.m., on a motion by Senator Wishart, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Blood, Chambers, Friesen, Groene, Harr, Larson, and Vargas who were excused.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 51.** Introduced by Kolterman, 24.

WHEREAS, Dalton Berry, Garrett Kuss, Jacob Potratz, Zachary Potratz, Ethan Schutte, Avery Stillahn, Elias Stillahn, and Erich Stillahn, members of Troop 256 of Seward, have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Dalton, Garrett, Jacob, Zachary, Ethan, Avery, Elias, and Erich, through their hard work and perseverance, have joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Dalton Berry, Garrett Kuss, Jacob Potratz, Zachary Potratz, Ethan Schutte, Avery Stillahn, Elias Stillahn, and Erich Stillahn on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Dalton Berry, Garrett Kuss, Jacob Potratz, Zachary Potratz, Ethan Schutte, Avery Stillahn, Elias Stillahn, and Erich Stillahn.

Laid over.

**LEGISLATIVE RESOLUTION 52.** Introduced by Bolz, 29.

WHEREAS, Vicki Bauer began her career in adult education in 1977 teaching in the Southeast Community College GED Program. In 1987, Ms. Bauer became responsible for adult education professional development activities at the Nebraska Department of Education, and in 1997, she was promoted to the state's Director of Adult Education; and

WHEREAS, Ms. Bauer has been a relentless advocate in encouraging Nebraskans who have not graduated to earn a diploma of high school equivalency, otherwise known as a GED, and has expanded GED testing opportunities across the state. Under her leadership, the Nebraska Department of Education launched successful marketing efforts to increase the number of Nebraskans seeking their GED, including billboards, a toll-free helpline, and newspaper inserts; and

WHEREAS, Ms. Bauer developed partnerships with community colleges and career centers to create new opportunities for adults to earn a GED; and

WHEREAS, in recognition of her years of service as an instructor, director, and advocate for adult education in Nebraska, Ms. Bauer was honored in 2013 with the Distinguished Service Award, a national award presented by the GED Testing Service; and

WHEREAS, Ms. Bauer will soon be retiring from her distinguished career with the Nebraska Department of Education.

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

1. That the Legislature thanks Vicki Bauer for her years of service to the state and her efforts to expand adult education throughout her career.
2. That a copy of this resolution be sent to Vicki Bauer and the Nebraska Department of Education.

Laid over.

**LEGISLATIVE RESOLUTION 53.** Introduced by Bolz, 29.

WHEREAS, the primary mission of social workers is to enhance well-being and ensure that the basic needs of all people are met, especially the most vulnerable; and

WHEREAS, social work is one of the fastest growing careers in the United States, with more than 650,000 members of the profession; and

WHEREAS, in all areas of our society, social workers strive to improve happiness, health, and prosperity, including government, education, social service agencies, communities, the military, and mental health and health care facilities; and

WHEREAS, "Social Workers Stand Up!" is the theme of this year's National Social Work Month. Social workers daily embody this theme by helping individuals, communities, and society at large to tackle and solve the issues confronting them; and

WHEREAS, social workers have helped this nation live up to its ideals by successfully pushing for equal rights for all, including women, African

Americans, Latinos, refugees, people who identify as LGBTQ, and various ethnic, cultural, and religious groups; and

WHEREAS, social workers have helped people in this nation overcome racial strife and economic and health care uncertainty by successfully advocating for initiatives such as Medicaid, unemployment insurance, workplace safety, Social Security benefits, the Civil Rights Act, the Voting Rights Act, and the Affordable Care Act; and

WHEREAS, social workers are the largest group of mental health care providers in the United States and work daily to help people overcome depression, anxiety, and substance abuse and other disorders so they can lead more fulfilling lives; and

WHEREAS, the United States Department of Veterans Affairs employs more than 12,000 professional social workers who bolster our nation's security by providing support to active duty military personnel, veterans, and their families; and

WHEREAS, thousands of child, family, and school social workers across the country work to protect children and improve the social and psychological functioning of children and their families; and

WHEREAS, social workers help children find loving homes and create new families through adoption; and

WHEREAS, social workers in schools work with families and schools to foster the happiness and success of future generations by ensuring students reach their full academic and personal potential; and

WHEREAS, social workers help older adults and their families improve their quality of life and ability to live independently as long as possible and obtain access to quality mental health services and health care; and

WHEREAS, social workers have helped the United States and other nations overcome earthquakes, tornados, floods, wars, and other disasters by helping survivors access essential services such as food, shelter, health care, and mental health services to address stress and anxiety.

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

1. That the Legislature recognizes March 2017 as Social Work Month in Nebraska and encourages all citizens to join the National Association of Social Workers in celebrating and supporting the social work profession.
2. That a copy of this resolution be sent to the National Association of Social Workers, Nebraska Chapter.

Laid over.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 203.** Placed on Select File with amendment.  
ER12

- 1 1. On page 1, strike lines 2 through 5 and insert "sections 48-626, 2 48-627, and 48-628, Reissue Revised Statutes of Nebraska, and section 3 48-632, Revised Statutes Cumulative Supplement, 2016; to change

4 provisions relating to maximum annual unemployment benefit amounts and  
 5 disqualification from unemployment benefits; to authorize electronic  
 6 notice as prescribed; to harmonize provisions; and to repeal the original  
 7 sections."

**LEGISLATIVE BILL 16.** Placed on Select File with amendment.

ER10

1 1. On page 6, line 22, strike "for".

**LEGISLATIVE BILL 99.** Placed on Select File with amendment.

ER13

1 1. On page 1, line 5, after "of" insert "unincorporated entities,".

(Signed) Anna Wishart, Chairperson

### ANNOUNCEMENT(S)

Senator Kuehn designates LB661 as his priority bill.

### CEREMONIES

Statehood Day Ceremonies were held in the George W. Norris Legislative Chamber for Nebraska's 150th Statehood Day on March 1, 2017, which included the following:

- 1:30 Lieutenant Governor Foley presiding as Master of Ceremonies
- 1:45 Designated committees escort the following into the Chamber:
  - Secretary of State John Gale
  - Nebraska Supreme Court
  - Governor and First Lady
- 2:00 Presentation of Colors - Nebraska National Guard
- 2:02 National Anthem - Hannah Huston
- 2:05 Opening Remarks - Governor Pete Ricketts
- 2:15 Reading of Original Proclamation - Secretary of State John Gale
- 2:20 Sing Across Nebraska, "Happy Birthday" by Everett Elementary
  - Chorus - 3rd, 4th, and 5th grade students, Lincoln
- 2:25 Original Poem - Nebraska State Poet Twyla Hansen
- 2:30 Remarks - Chief Justice Mike Heavican
- 2:35 Music - Waverly Singers Octet, Waverly High School
- 2:40 Remarks - Speaker Jim Scheer
- 2:45 Music - Hannah Huston
- 2:50 Reading of 2017 Proclamation and
  - Closing Remarks - Governor Ricketts
- 3:00 Designated committees escort the guests from the Chamber



**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Geist name added to LB271.

Senator Brewer name added to LB340.

Senator Watermeier name added to LB514.

Senator Baker name added to LB589.

Senator McDonnell name added to LB638.

**VISITOR(S)**

The Doctor of the Day was Dr. Douglas States from North Platte.

**ADJOURNMENT**

At 2:53 p.m., on a motion by Senator Stinner, the Legislature adjourned until 9:00 a.m., Thursday, March 2, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-NINTH DAY - MARCH 2, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 2, 2017

**PRAYER**

The prayer was offered by Senator Kolowski.

**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 Senators Blood, Hilgers, Smith, and Wayne who were excused; and Senators Bolz, Groene, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-eighth day was approved.

**COMMITTEE REPORT(S)**

Agriculture

**LEGISLATIVE BILL 274.** Placed on General File with amendment.  
AM254

1 1. On page 5, line 11, after "other" insert "person"; and in line 12  
2 strike beginning with "federal" through "agency" and show the old matter  
3 as stricken and after "the" insert "department's".

(Signed) Lydia Brasch, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR47 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR47.

**GENERAL FILE**

**LEGISLATIVE BILL 46A.** Senator Chambers renewed his motion, MO43, found on page 566, to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

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

Voting in the affirmative, 1:

Krist

Voting in the negative, 30:

Albrecht	Clements	Geist	Kuehn	Murante
Bolz	Craighead	Halloran	Larson	Riepe
Bostelman	Crawford	Hansen	Lindstrom	Scheer
Brasch	Ebke	Hilkemann	Linehan	Stinner
Brewer	Erdman	Hughes	Lowe	Watermeier
Briese	Friesen	Kolterman	McDonnell	Williams

Present and not voting, 13:

Baker	Howard	Morfeld	Schumacher	Wishart
Chambers	Kolowski	Pansing Brooks	Vargas	
Harr	McCollister	Quick	Walz	

Excused and not voting, 5:

Blood	Groene	Hilgers	Smith	Wayne
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The Chambers motion to indefinitely postpone failed with 1 aye, 30 nays, 13 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

**NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Tuesday, March 21, 2017 1:30 p.m.

LB540

(Signed) Mike Groene, Chairperson

## Transportation and Telecommunications

Room 2102

Thursday, March 9, 2017 1:00 p.m.

Daniel Spray - Nebraska Information Technology Commission  
Shane Greckel - Nebraska Information Technology Commission  
Stephan Budke - Motor Vehicle Industry Licensing Board

(Signed) Curt Friesen, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 54.** Introduced by Quick, 35; Friesen, 34; Walz, 15.

WHEREAS, Matthew Novinski, a senior at Grand Island Central Catholic, took first place in the boys 100-yard backstroke and 200-yard freestyle at the 2017 State Swimming and Diving Championship and was named the most valuable swimmer at the boys meet; and

WHEREAS, this is the fourth time Matthew has won the 100 backstroke and the fourth time he broke the 100 backstroke record, making him the first male swimmer to ever win four backstroke titles. Matthew also set a personal best and a school record in the 200 freestyle; and

WHEREAS, Matthew ends his high school swimming career as the most decorated swimmer in Grand Island history. This amazing season and his many victories are a testament to his dedication and to the support of his family and his coach, Brian Jensen; 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 Matthew Novinski on taking first place in the boys 100-yard backstroke and 200-yard freestyle at the 2017 State Swimming and Diving Championship and on his illustrious swimming career.

2. That a copy of this resolution be sent to Matthew Novinski and to Coach Brian Jensen.

Laid over.

**LEGISLATIVE RESOLUTION 55.** Introduced by Hilkemann, 4; Crawford, 45; Krist, 10.

WHEREAS, Colonel Stuart E. MacTaggart was a true officer and gentleman. A highly decorated veteran, he served for over 26 years in the United States Air Force, flying over 150 combat missions in Vietnam; and

WHEREAS, Col. MacTaggart flew medical staff across the state to provide care to patients who were too sick to travel; and

WHEREAS, Col. MacTaggart gave ten years of service to the Nebraska Department of Aeronautics and served for five years as the Director of Aeronautics; and

WHEREAS, he sponsored several youth aviation outreach programs; and

WHEREAS, he was twice awarded with an Admiralship in the Great Navy of the State of Nebraska; and

WHEREAS, Col. MacTaggart was selflessly dedicated to others and will be remembered by his family as a loving and caring husband, father, and papa; and

WHEREAS, multiple sclerosis, a terrible disease, took Col. MacTaggart from his family too soon.

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

1. That the Legislature offers its condolences to the family and friends of Colonel Stuart E. MacTaggart.

2. That the Legislature offers its gratitude to Col. MacTaggart for his lifetime of service.

3. That a copy of this resolution be sent to the family of Col. MacTaggart.

Laid over.

#### COMMITTEE REPORT(S)

##### Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

William Ashburn - Motor Vehicle Industry Licensing Board

Dennis Schworer - Motor Vehicle Industry Licensing Board

Aye: 8 Bostelman, Briese, Friesen, Geist, Hilgers, Hughes, Murante, Smith.

Nay: 0. Absent: 0. Present and not voting: 0.

**LEGISLATIVE BILL 78.** Placed on General File with amendment.

AM315

1 1. On page 2, line 22, after "party" insert ", except that any  
 2 rights and conditions asserted by the department as existing at the time  
 3 of right-of-way acquisition or stipulated to as a requirement for federal  
 4 funding of project development and construction shall not be negotiable";  
 5 and in line 28 after the period insert "The memorandum of understanding  
 6 shall detail the reservation of rights made by either party, including  
 7 any restrictions upon any future use of the fragment, section, or route  
 8 to be relinquished, and shall also state the right of the political or  
 9 governmental subdivision or public corporation to petition the department

10 to seek renegotiation of the terms and conditions of the relinquishment  
 11 at a future date.".

(Signed) Curt Friesen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 46A.** Senator Chambers offered the following motion:

MO44

Reconsider the vote taken to indefinitely postpone.

Senator Chambers asked unanimous consent to withdraw his motion, MO44, to reconsider. No objections. So ordered.

Senator Chambers offered the following amendment:

FA29

Page 2, line 5, strike and show as stricken "permanent and".

**SENATOR KRIST PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 28:

Albrecht	Craighead	Halloran	Larson	Scheer
Bostelman	Ebke	Hansen	Lindstrom	Stinner
Brasch	Erdman	Hilkemann	Linehan	Watermeier
Brewer	Friesen	Hughes	Lowe	Williams
Briese	Geist	Kolterman	McDonnell	
Clements	Groene	Kuehn	Riepe	

Present and not voting, 15:

Baker	Crawford	Krist	Pansing Brooks	Vargas
Bolz	Howard	McCollister	Quick	Walz
Chambers	Kolowski	Morfeld	Schumacher	Wishart

Excused and not voting, 6:

Blood	Hilgers	Smith
Harr	Murante	Wayne

The Chambers amendment lost with 0 ayes, 28 nays, 15 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO45

Reconsider the vote taken on FA29.

Pending.

**NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services

Room 1510

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

Thomas Deegan - Board of Emergency Medical Services

James Smith - Board of Emergency Medical Services

Linda Jensen - Board of Emergency Medical Services

Joel Cerny - Board of Emergency Medical Services

(Signed) Merv Riepe, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 140.** Placed on Select File with amendment.

ER14

1 1. On page 1, line 22, after the last "change" insert "and  
2 eliminate".

3 2. On page 2, line 6, after "assessments" insert a comma; and in  
4 line 16 after the first semicolon insert "to eliminate obsolete  
5 provisions;"

6 3. On page 28, line 12, strike "director" and insert "Director of  
7 Banking and Finance".

8 4. On page 29, line 27, strike "to" and show as stricken.

9 5. On page 52, line 14, strike "(a)" and insert "(i)"; in line 19  
10 strike "(b)" and insert "(ii)"; and in line 24 strike "(2)(a)" and insert  
11 "(2)(b)(i)".

12 6. On page 53, line 5, strike "and" and insert "or".

13 7. On page 71, line 10, strike "(c)" and insert "(3)".

14 8. On page 93, line 31, strike "Department of".

15 9. On page 94, line 1, strike "Banking and Finance," and reinstate  
16 the stricken "department".

(Signed) Anna Wishart, Chairperson



**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 75.** Placed on General File.

(Signed) John Murante, Chairperson

**ANNOUNCEMENT(S)**

The Legislative Performance Audit Committee designates LB210 and LB543 as its priority bills.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator McCollister name added to LB14.

Senator Kolterman name added to LB289.

Senator Lindstrom name added to LB641.

**ANNOUNCEMENT**

Senator Albrecht announced the Business and Labor Committee will hold an executive session Friday, March 3, 2017, at 8:10 a.m., in Room 2022.

**VISITOR(S)**

Visitors to the Chamber were Roger Wiese, Director, North Central Public Health Department, O'Neill; Braydon Conell from York and Hayden Richardson from Bennington; 11 students and teacher from Doane University, Crete; and 22 twelfth-grade students and teacher from Southwest High School, Bartley.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Hansen, the Legislature adjourned until 9:00 a.m., Friday, March 3, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTIETH DAY - MARCH 3, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 3, 2017

**PRAYER**

The prayer was offered by Senator Brewer.

**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 Smith who was excused; and Senators Friesen and Groene who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-ninth day was approved.

**ANNOUNCEMENT(S)**

The Nebraska Retirement Systems Committee designates LB415 and LB30 as its priority bills.

The Business and Labor Committee designates LB518 as its priority bill.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 184.** Placed on Select File with amendment.  
ER15

1 1. On page 2, line 27, before "installment" insert "an".

**LEGISLATIVE BILL 185.** Placed on Select File.

**LEGISLATIVE BILL 186.** Placed on Select File.

**LEGISLATIVE BILL 46.** Placed on Select File with amendment.  
ER16

1 1. In the Watermeier amendment, AM37, on page 1, lines 4 and 9,

- 2 strike "department" and insert "Department of Health and Human Services".
- 3 2. On page 1, strike beginning with "section" in line 1 through
- 4 "and" in line 2; and strike beginning with "to" in line 4 through the
- 5 semicolon in line 5.
- 6 3. On page 2, line 26; and page 7, line 7, strike "8 and 9" and
- 7 insert "7 and 8".
- 8 4. On page 3, lines 14 and 21; page 6, line 2; and page 11, line 11,
- 9 strike "9" and insert "8".
- 10 5. On page 13, strike beginning with "section" in line 14 through
- 11 the first occurrence of "and" in line 15.

(Signed) Anna Wishart, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 85A.** Introduced by Blood, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 85, One Hundred Fifth Legislature, First Session, 2017.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 56.** Introduced by Harr, 8; Hilgers, 21; Krist, 10.

WHEREAS, the Omaha Creighton Prep swimming team won the 2017 Boys' State Swimming and Diving Championship; and

WHEREAS, the Junior Jays scored 449.5 points to win the school's eleventh consecutive state swimming and diving championship; and

WHEREAS, this victory is a testament to the hard work and dedication of: Freshmen Matthew Ahlgren, Nick Avilla, Josh Brester, Rush Clark, Nick Mowat, Timothy Nichols, Danny Perry, Jimmy Rosenthal, and Ethan Schmaderer;

Sophomores Tristan Currin, Charlie Ehlers, Andrew Forbes, Thomas Franco, Ben Goeman, Blaine Kaup, Kayden McCullough, Ross Pantano, and Noah Peake;

Juniors Ray Cronin, Stanley Drvol, Conner Funke, Jon Gouger, Matthew Heaney, Joe Hennessey, Colin LaFave, Charlie Magee, Baily McFadden, Jalen Nichols, Noah Schalley, Nick Soltys, and Mark Thayer; and

Seniors Sam Buechler, Irving Delgado, Matt Ginger, Jeff Kilborn, Caleb Piti, Nick Shotkoski, Michael Simmons, Jacob Sutej, and Will Tjaden; and

WHEREAS, Coach Tom Beck and assistant coaches Harlan Groff, Dr. Larry Raynor, and Becki Carter did a tremendous job of guiding the team; 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 Omaha Creighton Prep swimming team on winning the 2017 Boys' State Swimming and Diving Championship.

2. That a copy of this resolution be sent to Omaha Creighton Prep for each member of the swimming and diving team, their coach, Tom Beck, and each of the assistant coaches.

Laid over.

### 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>

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 2, 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

Kissel/E&S Associates, LLC

Copart

Preston, Kim

Excellence in Education National, Inc.

Sarah Faye Pierce

Association of Home Appliance Manufacturers

### ANNOUNCEMENT(S)

Senator Albrecht announced the Business and Labor Committee will meet March 6, 2017, at 1:30 p.m. in Room 1510 instead of Room 2102.

### MOTION(S) - Return LB1 to Select File

Senator Chambers moved to return LB1 to Select File for the following specific amendment:

FA30

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1.**

A BILL FOR AN ACT relating to ethanol; to amend section 66-1333, Reissue Revised Statutes of Nebraska, and section 66-1345, Revised Statutes Cumulative Supplement, 2016; to eliminate defined terms; to repeal obsolete provisions relating to the Ethanol Production Incentive Cash Fund and a corn and grain sorghum excise tax; to eliminate a penalty; to repeal the original sections; and to outright repeal section 66-1345.03, Reissue Revised Statutes of Nebraska, and sections 66-1345.01, 66-1345.02, and 66-1345.04, Revised Statutes Cumulative Supplement, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Friesen          Smith          Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION(S) - Return LB2 to Select File**

Senator Chambers moved to return LB2 to Select File for the following specific amendment:

FA31

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 2.**

A BILL FOR AN ACT relating to agriculture; to amend section 54-857, Revised Statutes Cumulative Supplement, 2016; to eliminate an obsolete provision relating to a report on dairy production and processing; to harmonize provisions; to repeal the original section; and to outright repeal section 2-3993, Revised Statutes Cumulative Supplement, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Murante

Excused and not voting, 4:

Friesen	Kolterman	Smith	Stinner
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 3.**

A BILL FOR AN ACT relating to the Communications Cash Fund; to amend section 81-1120.22, Reissue Revised Statutes of Nebraska; to repeal provisions that terminated July 31, 2011; to harmonize provisions; to repeal the original section; and to outright repeal section 81-1120.23, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Murante

Excused and not voting, 4:

Friesen	Kolterman	Smith	Stinner
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 4.**

A BILL FOR AN ACT relating to the Medical Home Pilot Program Act; to repeal provisions that terminated June 30, 2014; and to outright repeal sections 68-957, 68-958, 68-960, and 68-961, Reissue Revised Statutes of Nebraska, and section 68-959, Revised Statutes Cumulative Supplement, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

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



Voting in the negative, 0.

Present and not voting, 2:

Lindstrom Murante

Excused and not voting, 4:

Friesen Kolterman Smith Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION(S) - Return LB5 to Select File**

Senator Chambers moved to return LB5 to Select File for the following specific amendment:

FA34

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 5.**

A BILL FOR AN ACT relating to the Small Business Innovation Act; to repeal provisions that terminated December 31, 2014; and to outright repeal sections 81-12,136, 81-12,137, 81-12,138, 81-12,139, 81-12,140, 81-12,141, 81-12,142, and 81-12,143, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Kolterman     Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 45.**

A BILL FOR AN ACT relating to motor vehicles; to amend section 80-414, Reissue Revised Statutes of Nebraska, and sections 60-3,122.03 and 60-3,122.04, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to Military Honor Plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 1:

Krist

Excused and not voting, 2:

Kolterman     Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 56.**

A BILL FOR AN ACT relating to accountants; to amend section 1-136.02, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to experience requirements for issuance of a permit; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 2:

Kolterman     Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 74.**

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-130 and 17-407, Reissue Revised Statutes of Nebraska, and sections 17-1002 and 18-3001, Revised Statutes Cumulative Supplement, 2016; to change county population thresholds relating to annexation, suburban development, and planned unit development by a city or village; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 3:

Groene          Halloran          Lowe

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 80.**

A BILL FOR AN ACT relating to the County Civil Service Act; to amend section 23-2519, Reissue Revised Statutes of Nebraska; to provide that certain law clerks and students are in the unclassified service; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Groene          Halloran          Pansing Brooks

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 131.**

A BILL FOR AN ACT relating to cities and villages; to amend section 18-2901, Reissue Revised Statutes of Nebraska; to change a requirement for the territory of an urban growth district as prescribed; to change a provision relating to urban growth bonds and refunding bonds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 132.**

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-622, 16-623, 16-901, and 16-902, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to improvement districts and extraterritorial zoning jurisdictions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 3:

Erdman      Halloran      Lowe

Present and not voting, 1:

McCollister

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB134 with 45 ayes, 1 nay, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 134.**

A BILL FOR AN ACT relating to agriculture; to amend sections 81-2,262, 81-2,263, 81-2,270, 81-2,271, 81-2,272.31, 81-2,281, and 81-2,288, Reissue

Revised Statutes of Nebraska, and sections 81-2,239 and 81-2,240, Revised Statutes Cumulative Supplement, 2016; to define terms; to change provisions of the Nebraska Pure Food Act; to provide for the regulation of eggs for human consumption as prescribed; to provide requirements and an exception for a food delivery service; to authorize facility, food, and records inspections and fees by the Department of Agriculture as prescribed; to transfer funds to the Pure Food Cash Fund; to repeal the Nebraska Graded Egg Act and the Graded Egg Fund; to eliminate penalties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-3501, 2-3502, 2-3503, 2-3504, 2-3505, 2-3506, 2-3507, 2-3508, 2-3509, 2-3510, 2-3511, 2-3512, 2-3513, 2-3514, 2-3515, 2-3516, 2-3518, 2-3519, 2-3520, 2-3521, 2-3522, 2-3523, 2-3524, and 2-3525, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### COMMITTEE REPORT(S)

Transportation and Telecommunications

**LEGISLATIVE BILL 339.** Placed on General File with amendment.  
AM314

- 1 1. On page 9, line 18, after "by" insert "and report directly to".
- 2 2. On page 11, line 1, after the period insert "The commission shall
- 3 also advise the Governor on the general status and state of aviation in
- 4 Nebraska."; and in line 2 strike "It", show as stricken, and insert "The
- 5 commission".

6 3. On page 12, line 19, after the period insert "Such funds shall  
7 only be expended for the purposes provided for by this section.".  
8 4. On page 35, line 5, strike "Transportation" and insert  
9 "Aeronautics"; and in line 6 strike "division" and insert "Department of  
10 Transportation".  
11 5. On page 36 strike lines 17 through 21 and insert the following  
12 new paragraph:  
13 "Any appropriation and salary limit provided in any legislative bill  
14 enacted by the One Hundred Fifth Legislature, First Session, to Agency  
15 No. 17, Department of Aeronautics, in the following program  
16 classifications, shall be null and void, and any such amounts are hereby  
17 appropriated to Agency No. 27, Department of Transportation: Program No.  
18 26, Administration and Services; Program No. 301, Public Airports; and  
19 Program No. 596, State-Owned Aircraft. Any financial obligations of the  
20 Department of Aeronautics that remain unpaid as of June 30, 2017, and  
21 that are subsequently certified as valid encumbrances to the accounting  
22 division of the Department of Administrative Services pursuant to  
23 sections 81-138.01 to 81-138.04, shall be paid by the Division of  
24 Aeronautics of the Department of Transportation from the unexpended  
25 balance of appropriations existing in such program classifications on  
26 June 30, 2017.".

(Signed) Curt Friesen, Chairperson

#### AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB409:  
AM474

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 77-3446, Revised Statutes Cumulative Supplement,  
4 2016, is amended to read:  
5 77-3446 Base limitation means the budget limitation rate applicable  
6 to school districts and the limitation on growth of restricted funds  
7 applicable to other political subdivisions prior to any increases in the  
8 rate as a result of special actions taken by a supermajority of any  
9 governing board or of any exception allowed by law. The base limitation  
10 is two and one-half percent until adjusted, except that the base  
11 limitation for school districts for school fiscal years 2017-18 and  
12 2018-19 ~~year 2012-13 is one-half of one percent and the base limitation~~  
13 ~~for school districts for school fiscal year 2013-14 is one and one-half~~  
14 percent. The base limitation may be adjusted annually by the Legislature  
15 to reflect changes in the prices of services and products used by school  
16 districts and political subdivisions.  
17 Sec. 2. Section 79-1009, Revised Statutes Cumulative Supplement,  
18 2016, is amended to read:  
19 79-1009 (1)(a) A district shall receive net option funding if (i)  
20 option students as defined in section 79-233 were actually enrolled in  
21 the school year immediately preceding the school year in which the aid is



22 to be paid, (ii) option students as defined in such section will be  
 23 enrolled in the school year in which the aid is to be paid as converted  
 24 contract option students, or (iii) for the calculation of aid for school  
 25 fiscal year 2017-18 for school districts that are members of a learning  
 26 community, open enrollment students were actually enrolled for school  
 27 year 2016-17 pursuant to section 79-2110.

1 (b) The determination of the net number of option students shall be  
 2 based on (i) the number of students enrolled in the district as option  
 3 students and the number of students residing in the district but enrolled  
 4 in another district as option students as of the day of the fall  
 5 membership count pursuant to section 79-528, for the school fiscal year  
 6 immediately preceding the school fiscal year in which aid is to be paid,  
 7 (ii) the number of option students that will be enrolled in the district  
 8 or enrolled in another district as converted contract option students for  
 9 the fiscal year in which the aid is to be paid, and (iii) for the  
 10 calculation of aid for school fiscal year 2017-18 for school districts  
 11 that are members of a learning community, the number of students enrolled  
 12 in the district as open enrollment students and the number of students  
 13 residing in the district but enrolled in another district as open  
 14 enrollment students as of the day of the fall membership count pursuant  
 15 to section 79-528 for school fiscal year 2016-17.

16 (c) Except as otherwise provided in this subsection, net number of  
 17 option students means the difference of the number of option students  
 18 enrolled in the district minus the number of students residing in the  
 19 district but enrolled in another district as option students. For  
 20 purposes of the calculation of aid for school fiscal year 2017-18 for  
 21 school districts that are members of a learning community, net number of  
 22 option students means the difference of the number of students residing  
 23 in another school district who are option students or open enrollment  
 24 students enrolled in the district minus the number of students residing  
 25 in the district but enrolled in another district as option students or  
 26 open enrollment students.

27 (2)(a) For all school fiscal years except school fiscal years  
 28 2017-18 and 2018-19 (2) For purposes of this section, net option funding  
 29 shall be the sum of the product of the net number of option students  
 30 multiplied by the statewide average basic funding per formula student. For

31 (b) For school fiscal years 2017-18 and 2018-19, net option funding  
 1 shall be the sum of the product of the net number of option students  
 2 multiplied by ninety-five and five-tenths percent of the statewide  
 3 average basic funding per formula student.

4 (3) A district's net option funding shall be zero if the calculation  
 5 produces a negative result.

6 Payments made under this section for school fiscal years prior to  
 7 school fiscal year 2017-18 shall be made from the funds to be disbursed  
 8 under section 79-1005.01.

9 Such payments shall go directly to the option school district but  
 10 shall count as a formula resource for the local system.

11 Sec. 3. Section 79-1015.01, Reissue Revised Statutes of Nebraska, is  
 12 amended to read:

13 79-1015.01 (1) Local system formula resources shall include local  
 14 effort rate yield which shall be computed as prescribed in this section.  
 15 (2) For each school fiscal year except school fiscal years 2017-18  
 16 and 2018-19 2011-12 through 2013-14: (a) For state aid certified pursuant  
 17 to section 79-1022, the local effort rate shall be the maximum levy, for  
 18 the school fiscal year for which aid is being certified, authorized  
 19 pursuant to subdivision (2)(a) of section 77-3442 less five cents; (b)  
 20 for the final calculation of state aid pursuant to section 79-1065, the  
 21 local effort rate shall be the rate which, when multiplied by the total  
 22 adjusted valuation of all taxable property in local systems receiving  
 23 equalization aid pursuant to the Tax Equity and Educational Opportunities  
 24 Support Act, will produce the amount needed to support the total formula  
 25 need of such local systems when added to state aid appropriated by the  
 26 Legislature and other actual receipts of local systems described in  
 27 section 79-1018.01; and (c) the local effort rate yield for such school  
 28 fiscal years shall be determined by multiplying each local system's total  
 29 adjusted valuation by the local effort rate.

30 ~~(3) For school fiscal years 2011-12 and 2012-13: (a) For state aid~~  
 31 ~~certified pursuant to section 79-1022, the local effort rate shall be the~~  
 1 ~~maximum levy, for the school fiscal year for which aid is being~~  
 2 ~~certified, authorized pursuant to subdivision (2)(a) of section 77-3442~~  
 3 ~~less one and five hundredths of one cent; (b) for the final calculation~~  
 4 ~~of state aid pursuant to section 79-1065, the local effort rate shall be~~  
 5 ~~the rate which, when multiplied by the total adjusted valuation of all~~  
 6 ~~taxable property in local systems receiving equalization aid pursuant to~~  
 7 ~~the Tax Equity and Educational Opportunities Support Act, will produce~~  
 8 ~~the amount needed to support the total formula need of such local systems~~  
 9 ~~when added to state aid appropriated by the Legislature and other actual~~  
 10 ~~receipts of local systems described in section 79-1018.01; and (c) the~~  
 11 ~~local effort rate yield for such school fiscal years shall be determined~~  
 12 ~~by multiplying each local system's total adjusted valuation by the local~~  
 13 ~~effort rate.~~

14 (3) (4) For school fiscal years 2017-18 and 2018-19 year 2013-14:  
 15 (a) For state aid certified pursuant to section 79-1022, the local effort  
 16 rate shall be the maximum levy, for the school fiscal year for which aid  
 17 is being certified, authorized pursuant to subdivision (2)(a) of section  
 18 77-3442 less two and ninety-seven hundredths cents; (b) for the final  
 19 calculation of state aid pursuant to section 79-1065, the local effort  
 20 rate shall be the rate which, when multiplied by the total adjusted  
 21 valuation of all taxable property in local systems receiving equalization  
 22 aid pursuant to the Tax Equity and Educational Opportunities Support Act,  
 23 will produce the amount needed to support the total formula need of such  
 24 local systems when added to state aid appropriated by the Legislature and  
 25 other actual receipts of local systems described in section 79-1018.01;  
 26 and (c) the local effort rate yield for such school fiscal years shall be  
 27 determined by multiplying each local system's total adjusted valuation by  
 28 the local effort rate.

29 Sec. 4. Original section 79-1015.01, Reissue Revised Statutes of  
 30 Nebraska, and sections 77-3446 and 79-1009, Revised Statutes Cumulative

31 Supplement, 2016, are repealed.

1 Sec. 5. Since an emergency exists, this act takes effect when  
2 passed and approved according to law.

Senator Lindstrom filed the following amendment to LB16:  
AM448

1 1. Strike original section 6 and insert the following new sections:

2 Sec. 6. Sections 1, 2, 3, 5, and 8 of this act become operative  
3 three calendar months after the adjournment of this legislative session.

4 The other sections of this act become operative on their effective date.

5 Sec. 7. Original section 81-885.21, Reissue Revised Statutes of  
6 Nebraska, is repealed.

7 Sec. 8. Original sections 81-885.13, 81-885.17, and 81-885.19,  
8 Reissue Revised Statutes of Nebraska, and section 81-885.24, Revised  
9 Statutes Cumulative Supplement, 2016, are repealed.

10 Sec. 9. Since an emergency exists, this act takes effect when passed  
11 and approved according to law.

12 2. On page 7, line 1, strike from "Until" through "such" in line 2,  
13 show as stricken, and insert "Such"; and strike from "On" in line 4  
14 through line 5 and show as stricken.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 1, 2, 3, 4, 5, 45, 56, 74, 80, 131, 132, and 134.

#### **GENERAL FILE**

**LEGISLATIVE BILL 46A.** Senator Chambers renewed his motion, MO45, found on page 592, to reconsider the vote taken on FA29.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 4 nays, and 22 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 32:

Albrecht	Clements	Hansen	Linehan	Watermeier
Blood	Crawford	Hilgers	Lowe	Wayne
Bolz	Ebke	Hilkemann	McDonnell	Williams
Bostelman	Erdman	Hughes	Murante	Wishart
Brasch	Friesen	Kolterman	Riepe	
Brewer	Geist	Kuehn	Scheer	
Briese	Halloran	Lindstrom	Stinner	

Present and not voting, 10:

Baker	Krist	Morfeld	Quick	Vargas
Howard	McCollister	Pansing Brooks	Schumacher	Walz

Excused and not voting, 6:

Craighead	Harr	Larson
Groene	Kolowski	Smith

The Chambers motion to reconsider failed with 1 aye, 32 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Bieganski, Gary - Board of Trustees of the Nebraska State Colleges - Education  
 Patterson, Thomas - State Racing Commission - General Affairs  
 Peterson, Carter - Board of Trustees of the Nebraska State Colleges - Education  
 Schulz, James D. - Public Employees Retirement Board - Nebraska Retirement Systems

(Signed) Dan Watermeier, Chairperson  
 Executive Board

#### **ANNOUNCEMENT(S)**

Senator Williams designates LB496 as his priority bill.

The Banking, Commerce and Insurance Committee designates LB148 and LB72 as its priority bills.

**COMMITTEE REPORT(S)**

Business and Labor

**LEGISLATIVE BILL 244.** Placed on General File with amendment.

AM460

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

3 Section 1. Section 48-101.01, Revised Statutes Cumulative

4 Supplement, 2016, is amended to read:

5 48-101.01 (1) Personal injury includes mental injuries and mental  
6 illness unaccompanied by physical injury for an employee who is a first  
7 responder or frontline state employee if such first responder or  
8 frontline state employee:

9 (a) Establishes, by a preponderance of the evidence, that the  
10 employee's employment conditions causing the mental injury or mental  
11 illness were extraordinary and unusual in comparison to the normal  
12 conditions of the particular employment; and

13 (b) Establishes, by a preponderance of the evidence, the medical  
14 causation between the mental injury or mental illness and the employment  
15 conditions by medical evidence.

16 (2) For purposes of this section, mental injuries and mental illness  
17 arising out of and in the course of employment unaccompanied by physical  
18 injury are not considered compensable if they result from any event or  
19 series of events which are incidental to normal employer and employee  
20 relations, including, but not limited to, personnel actions by the  
21 employer such as disciplinary actions, work evaluations, transfers,  
22 promotions, demotions, salary reviews, or terminations.

23 (3) For purposes of this section: ~~first~~

24 (a) First responder means a sheriff, a deputy sheriff, a police  
25 officer, an officer of the Nebraska State Patrol, a volunteer or paid  
26 firefighter, or a volunteer or paid individual licensed under a licensure  
27 classification in subdivision (1) of section 38-1217 who provides medical  
1 care in order to prevent loss of life or aggravation of physiological or  
2 psychological illness or injury; -

3 (b) Frontline state employee means an employee of the Department of  
4 Correctional Services or the Department of Health and Human Services  
5 whose duties involve regular and direct interaction with high-risk  
6 individuals;

7 (c) High-risk individual means an individual in state custody for  
8 whom violent or physically intimidating behavior is common, including,  
9 but not limited to, a committed offender as defined in section 83-170, a  
10 patient at a regional center as defined in section 71-911, and a juvenile  
11 committed to the Youth Rehabilitation and Treatment Center-Kearney or the  
12 Youth Rehabilitation and Treatment Center-Geneva; and

13 (d) State custody means under the charge or control of a state  
14 institution or state agency and includes time spent outside of the state  
15 institution or state agency.

16 Sec. 2. Original section 48-101.01, Revised Statutes Cumulative

17 Supplement, 2016, is repealed.

**LEGISLATIVE BILL 515.** Placed on General File with amendment.

AM205

- 1 1. On page 3, line 5, after "shall" insert ", to the extent funds  
 2 are appropriated by the Legislature for such purpose,".  
 3 2. On page 4, line 14, strike "The" and insert "To the extent funds  
 4 are appropriated by the Legislature for such purpose, the".  
 5 3. On page 5, line 26, after "act" insert "to the extent funds are  
 6 appropriated by the Legislature for such purpose".

**LEGISLATIVE BILL 518.** Placed on General File with amendment.

AM424

- 1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Sections 1 to 9 of this act shall be known and may be  
 4 cited as the Rural Workforce Housing Investment Act.  
 5 Sec. 2. The Legislature finds that:  
 6 (1) Current economic conditions and limited availability of modern  
 7 housing units impact the ability of Nebraska's rural communities to  
 8 recruit and retain a world-class workforce. A lack of workforce housing  
 9 affects the ability of communities to maintain and develop viable,  
 10 stable, and thriving economies. A housing shortage in rural areas also  
 11 impacts the ability of local private, nonprofit, and public employers to  
 12 grow and prosper;  
 13 (2) Impediments exist to the construction, rehabilitation, and  
 14 financing of rural workforce housing. There is a shortage of contractors  
 15 willing to develop new housing units in rural communities. Developers and  
 16 contractors perceive increased risk associated with housing development  
 17 in rural areas. Today's worker who is considering a job in a rural area  
 18 has different expectations about the type and style of housing he or she  
 19 desires. Costs for new housing in rural areas generally continue to grow  
 20 faster than Nebraska incomes and the cost of living; and  
 21 (3) In order to develop attractive housing options that lead to the  
 22 recruitment and retention of a world-class workforce in Nebraska's rural  
 23 communities, it is the intent of the Legislature to use new and existing  
 24 resources to support creation of workforce housing investment funds. Such  
 25 funds will be used to encourage development of workforce housing in  
 26 Nebraska's rural and underserved regions.  
 27 Sec. 3. For purposes of the Rural Workforce Housing Investment Act:  
 1 (1) Department means the Department of Economic Development;  
 2 (2) Director means the Director of Economic Development;  
 3 (3) Eligible activities of a nonprofit development organization  
 4 means:  
 5 (a) New construction of owner-occupied or rental housing in a  
 6 community with demonstrated workforce housing needs;  
 7 (b) Substantial repair or rehabilitation of dilapidated housing  
 8 stock; or  
 9 (c) Upper-story housing development;  
 10 (4) HOME funds means funds awarded as formula grants under the HOME  
 11 Investment Partnerships Program administered by the United States

12 Department of Housing and Urban Development;  
13 (5) Matching funds means dollars contributed by individuals,  
14 businesses, foundations, local and regional political subdivisions, or  
15 other nonprofit organizations to a workforce housing investment fund  
16 administered by a nonprofit development organization;  
17 (6) Nonprofit development organization means a regional or statewide  
18 nonprofit development organization approved by the director;  
19 (7) Qualified activities include, but are not limited to, purchase  
20 and rental guarantees, loan guarantees, loan participations, and other  
21 credit enhancements or any other form of assistance designed to reduce  
22 the cost of workforce housing related to eligible activities of the  
23 nonprofit development organization;  
24 (8) Qualified investment means a cash investment in a workforce  
25 housing investment fund administered by a nonprofit development  
26 organization;  
27 (9) Rural community means any municipality in a county with a  
28 population of fewer than one hundred thousand inhabitants as determined  
29 by the most recent federal decennial census;  
30 (10) Workforce housing means:  
31 (a) Housing that meets the needs of today's working families;  
1 (b) Housing that is attractive to new residents considering  
2 relocation to a rural community;  
3 (c) Owner-occupied housing units that cost not more than two hundred  
4 seventy-five thousand dollars to construct or rental housing units that  
5 cost not more than two hundred thousand dollars per unit to construct.  
6 For purposes of this subdivision (c), housing unit costs shall be updated  
7 annually by the department based upon the most recent increase or  
8 decrease in the Producer Price Index for all commodities, published by  
9 the United States Department of Labor, Bureau of Labor Statistics;  
10 (d) Owner-occupied and rental housing units for which the cost to  
11 substantially rehabilitate exceeds fifty percent of a unit's assessed  
12 value;  
13 (e) Upper-story housing; and  
14 (f) Housing that does not receive federal or state low-income  
15 housing tax credits, community development block grants, HOME funds, or  
16 funds from the Affordable Housing Trust Fund; and  
17 (11) Workforce housing investment fund means a fund that has been  
18 created by a nonprofit development organization and certified by the  
19 director to encourage development of workforce housing in rural  
20 communities.  
21 Sec. 4. (1) The director shall establish a workforce housing grant  
22 program to foster and support the development of workforce housing in  
23 rural communities.  
24 (2) A nonprofit development organization may apply to the director  
25 for approval of a workforce housing grant for a workforce housing  
26 investment fund. The application shall be in a form and manner prescribed  
27 by the director. Through fiscal year 2020-21, grants shall be awarded by  
28 the director on a competitive basis until grant funds are no longer  
29 available. Grant maximums shall not exceed one million dollars to any one

30 nonprofit development organization over a two-year period, with no more  
31 than two million dollars cumulative for any single grantee through fiscal  
1 year 2020-21. Grants shall require a minimum one-to-one in matching funds  
2 to be considered a qualified grant application. Unallocated workforce  
3 housing grant funds held by the department shall be rolled to the next  
4 program year.

5 (3) Grants shall be awarded based upon:

6 (a) A demonstrated and ongoing housing need as identified by a  
7 recent housing study;

8 (b) A community or region that has a low unemployment rate and is  
9 having difficulty attracting workers and filling employment positions;

10 (c) A community or region that exhibits a demonstrated commitment to  
11 growing its housing stock;

12 (d) Projects that can reasonably be ready for occupancy in a period  
13 of twenty-four months; and

14 (e) A demonstrated ability to grow and manage a workforce housing  
15 investment fund.

16 (4) A workforce housing investment fund shall be required to receive  
17 annual certification from the department.

18 (5) A nonprofit development organization shall:

19 (a) Invest or intend to invest in workforce housing eligible  
20 activities;

21 (b) Use any fees, interest, loan repayments, or other funds it  
22 received as a result of the administration of the grant to support  
23 qualified activities; and

24 (c) Have an active board of directors with expertise in development,  
25 construction, and finance that meets at least quarterly to approve all  
26 qualified investments made by the nonprofit development organization. A  
27 nonprofit development organization shall have a formal plan and proven  
28 expertise to invest unused workforce housing investment fund balances and  
29 shall have an annual audit of all financial records conducted by an  
30 independent certified public accountant.

31 Sec. 5. (1) The Rural Workforce Housing Investment Fund is created.

1 Funding for the grant program described in section 4 of this act shall  
2 come from the Rural Workforce Housing Investment Fund. The Rural  
3 Workforce Housing Investment Fund may include revenue from appropriations  
4 from the Legislature, grants, private contributions, and other sources.  
5 In addition, the Rural Workforce Housing Investment Fund shall receive a  
6 one-time transfer of ten million three hundred thousand dollars on or  
7 before October 1, 2017, from the Affordable Housing Trust Fund. Any money  
8 in the Rural Workforce Housing Investment Fund available for investment  
9 shall be invested by the state investment officer pursuant to the  
10 Nebraska Capital Expansion Act and the Nebraska State Funds Investment  
11 Act.

12 (2) The department shall administer the Rural Workforce Housing  
13 Investment Fund and may seek additional private or nonstate funds to use  
14 in the grant program, including, but not limited to, contributions from  
15 the Nebraska Investment Finance Authority and other interested parties.

16 (3) Interest earned by the department on grant funds shall be



17 applied to the grant program.

18 (4) If a nonprofit development organization fails to engage in the  
19 initial qualified activity within twenty-four months after receiving  
20 initial grant funding, the nonprofit development organization shall  
21 return the grant funds to the department for credit to the Affordable  
22 Housing Trust Fund.

23 (5) If a nonprofit development organization fails to allocate any  
24 remaining initial grant funding on a qualified activity within twenty-  
25 four months after engaging in the initial qualified activity, the  
26 nonprofit development organization shall return such unallocated grant  
27 funds to the department for credit to the Rural Workforce Housing  
28 Investment Fund.

29 (6) Beginning July 1, 2022, any funds held by the department in the  
30 Rural Workforce Housing Investment Fund shall be transferred to the  
31 Affordable Housing Trust Fund.

1 Sec. 6. (1) Each nonprofit development organization shall submit an  
2 annual report to the director to be included as a part of the  
3 department's annual status report required under section 81-1201.11. The  
4 report shall certify that the nonprofit development organization meets  
5 the requirements of the Rural Workforce Housing Investment Act and shall  
6 include a breakdown of program activities.

7 (2) The annual report shall include, but not necessarily be limited  
8 to:

9 (a) The name and geographical location of the reporting nonprofit  
10 development organization;

11 (b) The number, amount, and type of workforce housing investment  
12 funds invested in qualified activities;

13 (c) The number, geographical location, type, and amount of  
14 investments made;

15 (d) A summary of matching funds and where such matching funds were  
16 generated; and

17 (e) The results of the annual audit required under subsection (5) of  
18 section 4 of this act.

19 (3) If a nonprofit development organization ceases administration of  
20 a workforce housing investment fund, it shall file a final report with  
21 the director in a form and manner required by the director. Before July  
22 1, 2022, any unallocated grant funds shall be returned to the department  
23 for credit to the Rural Workforce Housing Investment Fund. On and after  
24 July 1, 2022, any unallocated grant funds shall be returned to the  
25 department for credit to the Affordable Housing Trust Fund.

26 (4) If a nonprofit development organization fails to file a complete  
27 annual report by February 15, the director may, in his or her discretion,  
28 impose a civil penalty of not more than five thousand dollars for such  
29 violation. All money collected by the department pursuant to this  
30 subsection shall be remitted to the State Treasurer for distribution in  
31 accordance with Article VII, section 5, of the Constitution of Nebraska.

1 Sec. 7. (1) The department shall use its best efforts to assure  
2 that grant funds awarded to nonprofit development organizations are  
3 targeted to the geographic communities or regions with the most pressing

4 economic and employment needs.

5 (2) The department shall use its best efforts to assure that the  
6 allocation of grant funds provides equitable access to the benefits  
7 provided by the Rural Workforce Housing Investment Act to all eligible  
8 geographical areas.

9 (3) The department may contract with a statewide public or private  
10 nonprofit organization which shall serve as agent for the department to  
11 help carry out the purposes and requirements of the Rural Workforce  
12 Housing Investment Act. The department or its agent may only use for  
13 expenses that portion of the funds available for the workforce housing  
14 grant program through the Rural Workforce Housing Investment Fund  
15 necessary to cover the actual costs of administering the program,  
16 including, but not limited to, the hiring of staff.

17 Sec. 8. (1) As part of the department's annual status report  
18 required under section 81-1201.11, the department shall submit a report  
19 to the Legislature and the Governor that includes, but is not necessarily  
20 limited to:

21 (a) The number and geographical location of nonprofit development  
22 organizations establishing workforce housing investment funds;

23 (b) The number, amount, and type of workforce housing investment  
24 funds invested in qualified activities; and

25 (c) The number, geographical location, type, and amount of  
26 investments made by each nonprofit development organization.

27 (2) The report to the Legislature shall be submitted electronically.

28 (3) Information received, developed, created, or otherwise  
29 maintained by the department in administering and enforcing the Rural  
30 Workforce Housing Investment Act, other than information required to be  
31 included in the report to be submitted by the department to the Governor  
1 and Legislature pursuant to this section, may be deemed confidential by  
2 the department and not considered public records subject to disclosure  
3 pursuant to sections 84-712 to 84-712.09.

4 Sec. 9. The department may adopt and promulgate rules and  
5 regulations to administer and enforce the Rural Workforce Housing  
6 Investment Act.

7 Sec. 10. Section 58-703, Revised Statutes Cumulative Supplement,  
8 2016, is amended to read:

9 58-703 The Affordable Housing Trust Fund is created. The fund shall  
10 receive money pursuant to section 76-903 and may include revenue from  
11 sources recommended by the housing advisory committee established in  
12 section 58-704, appropriations from the Legislature, transfers authorized  
13 by the Legislature, grants, private contributions, repayment of loans,  
14 and all other sources. The Department of Economic Development as part of  
15 its comprehensive housing affordability strategy shall administer the  
16 Affordable Housing Trust Fund.

17 Transfers may be made from the Affordable Housing Trust Fund to the  
18 General Fund, the Behavioral Health Services Fund, the Rural Workforce  
19 Housing Investment Fund, and the Site and Building Development Fund at  
20 the direction of the Legislature.

21 Sec. 11. Original section 58-703, Revised Statutes Cumulative

22 Supplement, 2016, is repealed.

(Signed) Joni Albrecht, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Nebraska Retirement Systems

Room 1525

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

Richard DeFusco - Nebraska Investment Council

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

James D. Schulz - Public Employees Retirement Board  
Presentation of the Nebraska Investment Council Annual Report to the  
Nebraska Retirement Systems Committee pursuant to section 72-1243(2)  
Presentation of the Nebraska Public Employees Retirement Systems Annual  
Report to the Nebraska Retirement Systems Committee pursuant to  
section 84-1503(3)

(Signed) Mark Kolterman, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 3, 2017, at 11:38 a.m. were the  
following: LBs 1, 2, 3, 4, 5, 45, 56, 74, 80, 131, 132, and 134.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 647A.** Introduced by Pansing Brooks, 28;  
Briese, 41; Hansen, 26; Hilgers, 21; Howard, 9; Morfeld, 46; Williams, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to  
aid in carrying out the provisions of Legislative Bill 647, One Hundred Fifth  
Legislature, First Session, 2017; to provide an operative date; and to declare  
an emergency.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator McCollister name added to LB447.

Senator Morfeld name added to LB628.

Senator Brewer name added to LB638.

**VISITOR(S)**

Visitors to the Chamber were Reuben Erickson from Lincoln; Bethanie Glaser from Lincoln; Sara Macklin, Libby Macklin, Audrey Berns, and Anna-Hope Berns from Blue Hill; 45 seventh- through twelfth-grade students from Grand Island Northwest High School; members of the Nebraska Chapter of Delta Sigma Theta Sorority, Inc. from Lincoln and Omaha; and Commander Jake Wadsley of the USS Nebraska.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

**ADJOURNMENT**

At 12:07 p.m., on a motion by Senator Kolterman, the Legislature adjourned until 9:00 a.m., Monday, March 6, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**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



**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



**FORTY-THIRD DAY - MARCH 8, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 8, 2017

**PRAYER**

The prayer was offered by Senator Geist.

**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, Watermeier, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-second day was approved.

**COMMITTEE REPORT(S)**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 345.** Placed on General File.

**LEGISLATIVE BILL 486.** Placed on General File with amendment.  
AM208

1 1. On page 2, lines 5 and 6, strike "a formal meeting" and insert  
2 "formal meetings"; in line 7 strike "and attendance is verified by the  
3 association"; in line 10 after the first comma insert "or"; and strike  
4 beginning with the comma in line 11 through "director" in line 13.

(Signed) Brett Lindstrom, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

March 7, 2017

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, 3, 4, 5, 45, 56, 74, 80, 131, 132, and 134 were received in my office on March 3, 2017.

These bills were signed and delivered to the Secretary of State on March 7, 2017.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**ANNOUNCEMENT(S)**

Senator McDonnell designates LB578 as his priority bill.

Senator Harr designates LB248 as his priority bill.

The Education Committee designates LB512 as its priority bill.

The Urban Affairs Committee designates LB590 as its priority bill.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 59.** Introduced by Albrecht, 17.

WHEREAS, the South Sioux City High School girls' basketball team won the 2017 Class B Girls' State Basketball Championship; and

WHEREAS, the second-ranked Cardinals defeated the fourth-ranked Norris Titans in the title game with a score of 48 to 44; and

WHEREAS, this is the 12th state championship for the Cardinals, but the first since 2008; and

WHEREAS, Head Coach Molly Hornbeck played on four championship teams when she was a student at South Sioux City High School; and

WHEREAS, Coach Hornbeck also led this team to a record of 23-2 for the regular 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 South Sioux City Cardinals on winning the 2017 Class B Girls' State Basketball Championship.
2. That a copy of this resolution be sent to the South Sioux City Cardinals and Coach Molly Hornbeck.

Laid over.

**COMMITTEE REPORT(S)**  
Urban Affairs

**LEGISLATIVE BILL 496.** Placed on General File with amendment.  
AM470

1. On page 7, line 29, after the period insert "A public hearing
- 2 held under this subdivision shall be separate from any public hearing
- 3 held under section 18-2115."

(Signed) Justin Wayne, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 469A.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 469, One Hundred Fifth Legislature, First Session, 2017.

**GENERAL FILE**

**LEGISLATIVE BILL 447.** Senator Larson offered the following motion:

MO51

Bracket until January 3, 2018.

Senator Larson withdrew his motion to bracket.

Senator Chambers renewed his amendment, FA42, found on page 634 and considered on page 638.

**SPEAKER SCHEER PRESIDING**

Senator Chambers withdrew his amendment.

Senator Larson offered the following motion:

MO52

Indefinitely postpone.

**SENATOR KRIST PRESIDING**

Pending.

**COMMITTEE REPORT(S)**

## Natural Resources

**LEGISLATIVE BILL 566.** Placed on General File with amendment.

AM551

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

2 sections:

3 Section 1. The Legislature hereby adopts the Interstate Wildlife

4 Violator Compact and enters into such compact with all states legally

5 joining the compact in the form substantially as contained in this

6 section.

7 Article I

8 Definitions

9 For purposes of the Interstate Wildlife Violator Compact:

10 (1) Citation means any summons, complaint, summons and complaint,

11 ticket, penalty assessment, or other official document that is issued to

12 a person by a wildlife officer or other peace officer for a wildlife

13 violation and that contains an order requiring the person to respond;

14 (2) Collateral means any cash or other security deposited to secure

15 an appearance for trial in connection with the issuance by a wildlife

16 officer or other peace officer of a citation for a wildlife violation;

17 (3) Compliance means, with respect to a citation, the act of

18 answering a citation through an appearance in a court or tribunal, or

19 through the payment of fines, costs, and surcharges, if any;

20 (4) Conviction means a conviction, including any court conviction,

21 for any offense that is related to the preservation, protection,

22 management, or restoration of wildlife and that is prohibited by state

23 statute, law, regulation, commission order, ordinance, or administrative

24 rule. The term also includes the forfeiture of any bail, bond, or other

25 security deposited to secure appearance by a person charged with having

26 committed any such offense, the payment of a penalty assessment, a plea

27 of nolo contendere, and the imposition of a deferred or suspended

1 sentence by the court;

2 (5) Court means a court of law, including magistrate's court and the

3 justice of the peace court, if any;

4 (6) Home state means the state of primary residence of a person;

5 (7) Issuing state means the participating state which issues a

6 wildlife citation to the violator;

7 (8) License means any license, permit, or other public document that

8 conveys to the person to whom it was issued the privilege of pursuing,

9 possessing, or taking any wildlife regulated by statute, law, regulation,

10 commission order, ordinance, or administrative rule of a participating

11 state;

12 (9) Licensing authority means the Game and Parks Commission or the

13 department or division within each participating state that is authorized

14 by law to issue or approve licenses or permits to hunt, fish, trap, or

15 possess wildlife;

16 (10) Participating state means any state that enacts legislation to

17 become a member of the Interstate Wildlife Violator Compact;

18 (11) Personal recognizance means an agreement by a person made at  
19 the time of issuance of the wildlife citation that such person will  
20 comply with the terms of the citation;  
21 (12) State means any state, territory, or possession of the United  
22 States, the District of Columbia, the Commonwealth of Puerto Rico, the  
23 provinces of Canada, and other countries;  
24 (13) Suspension means any revocation, denial, or withdrawal of any  
25 or all license privileges, including the privilege to apply for,  
26 purchase, or exercise the benefits conferred by any license;  
27 (14) Terms of the citation means those conditions and options  
28 expressly stated in the citation;  
29 (15) Wildlife means all species of animals including mammals, birds,  
30 fish, reptiles, amphibians, mollusks, and crustaceans, which are defined  
31 as wildlife and are protected or otherwise regulated by statute, law,  
1 regulation, commission order, ordinance, or administrative rule in a  
2 participating state. Species included in the definition of wildlife for  
3 purposes of the Interstate Wildlife Violator Compact are based on state  
4 or local law;  
5 (16) Wildlife law means the Game Law or any statute, law,  
6 regulation, commission order, ordinance, or administrative rule developed  
7 and enacted for the management of wildlife resources and the uses  
8 thereof;  
9 (17) Wildlife officer means any conservation officer and any  
10 individual authorized by a participating state to issue a citation for a  
11 wildlife violation; and  
12 (18) Wildlife violation means any cited violation of a statute, law,  
13 regulation, commission order, ordinance, or administrative rule developed  
14 and enacted for the management of wildlife resources and the uses  
15 thereof.  
16 Article II  
17 Procedures for Issuing State  
18 When issuing a citation for a wildlife violation, a wildlife officer  
19 shall issue a citation to any person whose primary residence is in a  
20 participating state in the same manner as though the person were a  
21 resident of the issuing state and may not require such person to post  
22 collateral to secure appearance if the officer receives the personal  
23 recognizance of such person that the person will comply with the terms of  
24 the citation.  
25 Personal recognizance is acceptable:  
26 (1) If not prohibited by state or local law or the compact manual;  
27 and  
28 (2) If the violator provides adequate proof of identification to the  
29 wildlife officer.  
30 Upon conviction or failure of a person to comply with the terms of a  
31 wildlife citation, the appropriate official shall report the conviction  
1 or failure to comply to the licensing authority of the issuing state.  
2 Upon receipt of the report of conviction or noncompliance, the  
3 licensing authority of the issuing state shall transmit such information  
4 to the licensing authority of the home state of the violator.

5 Article III6 Procedures for Home State

7 Upon receipt of a report from the licensing authority of the issuing  
8 state reporting the failure of a violator to comply with the terms of a  
9 citation, the licensing authority of the home state shall notify the  
10 violator and may initiate a suspension action in accordance with the home  
11 state's suspension procedures and may suspend the violator's license  
12 privileges until satisfactory evidence of compliance with the terms of  
13 the wildlife citation has been furnished by the issuing state to the home  
14 state licensing authority. Due process safeguards shall be accorded.  
15 Upon receipt of a report of conviction from the licensing authority  
16 of the issuing state, the licensing authority of the home state may enter  
17 such conviction in its records and may treat such conviction as though it  
18 had occurred in the home state for the purposes of the suspension of  
19 license privileges if the violation resulting in such conviction could  
20 have been the basis for suspension of license privileges in the home  
21 state.  
22 The licensing authority of the home state shall maintain a record of  
23 actions taken and shall make reports to issuing states.

24 Article IV25 Reciprocal Recognition of Suspension

26 All participating states may recognize the suspension of license  
27 privileges of any person by any participating state as though the  
28 violation resulting in the suspension had occurred in their state and  
29 could have been the basis for suspension of license privileges in their  
30 state.  
31 Each participating state shall communicate suspension information to  
1 other participating states.

2 Article V3 Applicability of Other Laws

4 Except as expressly required by the Interstate Wildlife Violator  
5 Compact, nothing in the compact may be construed to affect the right of  
6 any participating state to apply any of its laws relating to license  
7 privileges to any person or circumstance or to invalidate or prevent any  
8 agreement or other cooperative arrangement between a participating state  
9 and a nonparticipating state concerning wildlife law enforcement.

10 Article VI11 Withdrawal from Compact

12 A participating state may withdraw from participation in the  
13 Interstate Wildlife Violator Compact by enacting a statute repealing the  
14 compact and by official written notice to each participating state.  
15 Withdrawal shall not become effective until ninety days after the notice  
16 of withdrawal is given. The notice shall be directed to the compact  
17 administrator of each participating state. Withdrawal of any state does  
18 not affect the validity of the compact as to the remaining participating  
19 states.

20 Article VII21 Construction and Severability

22 The Interstate Wildlife Violator Compact shall be liberally



23 construed so as to effectuate its purposes. The provisions of the compact  
 24 are severable, and if any phrase, clause, sentence, or provision of the  
 25 compact is declared to be contrary to the constitution of any  
 26 participating state or the United States, or the applicability thereof to  
 27 any government, agency, individual, or circumstance is held invalid, the  
 28 validity of the remainder of the compact is not affected thereby. If the  
 29 compact is held contrary to the constitution of any participating state,  
 30 the compact remains in full force and effect as to the remaining states  
 31 and in full force and effect as to the participating state affected as to  
 1 all severable matters.

2 Article VIII

3 Responsible State Entity

4 The Game and Parks Commission is authorized on behalf of the state  
 5 to enter into the Interstate Wildlife Violator Compact. The commission  
 6 shall enforce the compact and shall do all things within the jurisdiction  
 7 of the commission that are appropriate in order to effectuate the  
 8 purposes and the intent of the compact. The commission may adopt and  
 9 promulgate rules and regulations necessary to carry out and consistent  
 10 with the compact.

11 The commission may suspend the hunting, trapping, or fishing  
 12 privileges of any resident of this state who has failed to comply with  
 13 the terms of a citation issued for a wildlife violation in any  
 14 participating state. The suspension shall remain in effect until the  
 15 commission receives satisfactory evidence of compliance from the  
 16 participating state. The commission shall send notice of the suspension  
 17 to the resident, who shall surrender all current Nebraska hunting,  
 18 trapping, or fishing licenses to the commission within ten days.  
 19 The resident may, within twenty days of the notice, request a review  
 20 or hearing in accordance with section 37-618. Following the review or  
 21 hearing, the commission, through its authorized agent, may, based on the  
 22 evidence, affirm, modify, or rescind the suspension of privileges.

23 Sec. 2. Section 37-504, Reissue Revised Statutes of Nebraska, is  
 24 amended to read:

25 37-504 (1) Any person who at any time, except during an open season  
 26 ordered by the commission as authorized in the Game Law, unlawfully  
 27 hunts, traps, or has in his or her possession;

28 (a) ~~Any any elk,~~ deer, antelope, swan, or wild turkey shall be  
 29 guilty of a Class III misdemeanor and, upon conviction, shall be fined at  
 30 least five hundred dollars for ~~each a violation; or involving elk and at~~  
 31 ~~least two hundred dollars for a violation involving deer, antelope, swan,~~  
 1 ~~or wild turkey.~~

2 (b) Any elk shall be guilty of a Class II misdemeanor and, upon  
 3 conviction, shall be fined at least one thousand dollars for each  
 4 violation.

5 (2) Any person who at any time, except during an open season ordered  
 6 by the commission as authorized in the Game Law, unlawfully hunts, traps,  
 7 or has in his or her possession any mountain sheep shall be guilty of a  
 8 Class I ~~H~~ misdemeanor and shall be fined at least one thousand dollars  
 9 upon conviction.

10 (3) Any person who at any time, except during an open season ordered  
11 by the commission as authorized in the Game Law, unlawfully hunts, traps,  
12 or has in his or her possession any quail, pheasant, partridge, Hungarian  
13 partridge, curlew, grouse, mourning dove, sandhill crane, or waterfowl  
14 shall be guilty of a Class III misdemeanor and shall be fined at least  
15 five ~~one~~ hundred dollars upon conviction.

16 (4) Any person who unlawfully takes any game or unlawfully has in  
17 his or her possession any such game shall be guilty of a Class III  
18 misdemeanor and, except as otherwise provided in this section and section  
19 37-501, shall be fined at least fifty dollars for each animal unlawfully  
20 taken or unlawfully possessed up to the maximum fine authorized by law  
21 upon conviction.

22 (5) Any person who, in violation of the Game Law, takes any mourning  
23 dove that is not flying shall be guilty of a Class V misdemeanor.

24 (6) Any person who, in violation of the Game Law, has in his or her  
25 possession any protected bird, or destroys or takes the eggs or nest of  
26 any such bird, shall be guilty of a Class V misdemeanor.

27 (7) The provisions of this section shall not render it unlawful for  
28 anyone operating a captive wildlife facility or an aquaculture facility,  
29 pursuant to the laws of this state, to at any time kill game or fish  
30 actually raised thereon or lawfully placed thereon by such person.

31 (8) A person holding a special permit pursuant to the Game Law for  
1 the taking of any game or any birds not included in the definition of  
2 game shall not be liable under this section while acting under the  
3 authority of such permit.

4 Sec. 3. Section 37-513, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 37-513 (1) It shall be unlawful to shoot at any wildlife from any  
7 highway or roadway, which includes that area of land from the center of  
8 the traveled surface to the right-of-way on either side. Any person  
9 violating this subsection shall be guilty of a Class III misdemeanor and  
10 shall be fined at least five ~~one~~ hundred dollars.

11 (2)(a) Any county may adopt a resolution having the force and effect  
12 of law to prohibit the trapping of wildlife in the county road right-of-  
13 way or in a certain area of the right-of-way as designated by the county.

14 (b) A person trapping wildlife in a county road right-of-way is not  
15 allowed to use traps in the county road right-of-way that are larger than  
16 those allowed by the commission as of February 1, 2009, on any land owned  
17 or controlled by the commission.

18 (c) For purposes of this subsection, county road right-of-way means  
19 the area which has been designated a part of the county road system and  
20 which has not been vacated pursuant to law.

21 Sec. 4. Section 37-614, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 37-614 (1) When a person pleads guilty to or is convicted of any  
24 violation listed in this subsection, the court shall, in addition to any  
25 other penalty, revoke and require the immediate surrender of all permits  
26 to hunt, fish, and harvest fur held by such person and suspend the  
27 privilege of such person to hunt, fish, and harvest fur and to purchase

28 such permits for a period of not less than ~~one nor more than~~ three years.  
 29 The court shall consider the number and severity of the violations of the  
 30 Game Law in determining the length of the revocation and suspension. The  
 31 violations shall be:

1 (a) Carelessly or purposely killing or causing injury to livestock  
 2 with a firearm or bow and arrow;

3 (b) Purposely taking or having in his or her possession a number of  
 4 game animals, game fish, game birds, or fur-bearing animals exceeding  
 5 twice the limit established pursuant to section 37-314;

6 (c) Taking any species of wildlife protected by the Game Law during  
 7 a closed season in violation of section 37-502;

8 (d) Resisting or obstructing any officer or any employee of the  
 9 commission in the discharge of his or her lawful duties in violation of  
 10 section 37-609; and

11 (e) Being a habitual offender of the Game Law.

12 (2) When a person pleads guilty to or is convicted of any violation  
 13 listed in this subsection, the court may, in addition to any other  
 14 penalty, revoke and require the immediate surrender of all permits to  
 15 hunt, fish, and harvest fur held by such person and suspend the privilege  
 16 of such person to hunt, fish, and harvest fur and to purchase such  
 17 permits for a period of not less than one ~~year nor more than three years~~.

18 The court shall consider the number and severity of the violations of the  
 19 Game Law in determining the length of the revocation and suspension. The  
 20 violations shall be:

21 (a) Hunting, fishing, or fur harvesting without a permit in  
 22 violation of section 37-411;

23 (b) Hunting from a vehicle, aircraft, or boat in violation of  
 24 section 37-513, 37-514, 37-515, 37-535, or 37-538; and

25 (c) Knowingly taking any wildlife on private land without permission  
 26 in violation of section 37-722.

27 (3) When a person pleads guilty to or is convicted of any violation  
 28 of the Game Law, the rules and regulations of the commission, or  
 29 commission orders not listed in subsection (1) or (2) of this section,  
 30 the court may, in addition to any other penalty, revoke and require the  
 31 immediate surrender of all permits to hunt, fish, and harvest fur held by  
 1 such person and suspend the privilege of such person to hunt, fish, and  
 2 harvest fur and to purchase such permits for a period of not less than  
 3 one year.

4 Sec. 5. Section 37-615, Reissue Revised Statutes of Nebraska, is  
 5 amended to read:

6 37-615 It shall be unlawful for any person to take any species of  
 7 wildlife protected by the Game Law while his or her permits are revoked  
 8 or suspended. It shall be unlawful for any person to apply for or  
 9 purchase a permit to hunt, fish, or harvest fur in Nebraska while his or  
 10 her permits are revoked and while the privilege to purchase such permits  
 11 is suspended. Any person who violates this section shall be guilty of a  
 12 Class I ~~HH~~ misdemeanor and in addition shall be suspended from hunting,  
 13 fishing, and fur harvesting or purchasing permits to hunt, fish, and  
 14 harvest fur for a period of not less than two ~~nor more than five~~ years as

15 the court directs. The court shall consider the number and severity of  
 16 the violations of the Game Law in determining the length of the  
 17 suspension.

18 Sec. 6. Section 37-617, Reissue Revised Statutes of Nebraska, is  
 19 amended to read:

20 37-617 The court shall notify the commission of any suspension,  
 21 revocation, or conviction under sections 37-614 to 37-616. ~~The commission~~  
 22 ~~shall notify permit agents of any suspension or revocation under sections~~  
 23 ~~37-614 to 37-616 and the date such suspension or revocation expires.~~

24 Sec. 7. Original sections 37-504, 37-513, 37-614, 37-615, and  
 25 37-617, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Dan Hughes, Chairperson

#### **NOTICE OF COMMITTEE HEARING(S)**

Executive Board

Room 2102

Wednesday, March 15, 2017 12:00 p.m.

LR46

(Signed) Dan Watermeier, Chairperson

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 60.** Introduced by Urban Affairs  
 Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9;  
 Larson, 40; Quick, 35; Riepe, 12.

**PURPOSE:** The purpose of this interim study is to examine issues related to  
 the use of tax-increment financing (TIF) that were raised in the December  
 20, 2016 report issued by the Auditor of Public Accounts. The issues  
 addressed by this interim study shall include, but not be limited to:

(1) A review of recordkeeping requirements related to TIF projects under  
 the Community Development Law and the Records Management Act;

(2) A review of the reporting requirements for TIF projects to the Property  
 Tax Administrator under section 18-2117.01 of the Nebraska Revised  
 Statutes;

(3) An examination of redevelopment project costs that are typically  
 reimbursed through TIF and whether the reimbursement of certain costs  
 could potentially violate the provisions in section 18-2116 commonly  
 referred to as the "but-for" test;

(4) A review of the statutory definitions of "substandard area" and  
 "blighted area" under section 18-2103 and the process by which  
 municipalities declare an area as "substandard and blighted" under section  
 18-2109;

(5) An examination of the cost-benefit analysis required for TIF projects under section 18-2113; and

(6) A review of other findings in the Auditor's report related to specific TIF projects.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### ANNOUNCEMENT(S)

Senator McCollister designates LB358 as his priority bill.

The Urban Affairs Committee designates LB625 as its priority bill.

The Revenue Committee designates LB461 as its priority bill.

#### AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB57:

AM453

- 1 1. Strike original section 9.
- 2 2. On page 2, line 4, strike the new matter and after "any" insert
- 3 "(a)"; in line 7 after "(b)" insert "official proceeding in the State of
- 4 Nebraska"; and in line 14 strike "Subordination" and insert
- 5 "Subornation".
- 6 3. On page 4, line 7, strike "10" and insert "9".
- 7 4. On page 5, strike beginning with "The" in line 6 through line 9.
- 8 5. Renumber the remaining sections accordingly.

Senator Krist filed the following amendment to LB11:

AM552

- 1 1. In the Krist amendments, AM 302, on page 1, strike beginning with
- 2 "Any" in line 5 through the period in line 6 and insert "Upon entry of an
- 3 order, any party may appeal to the Court of Appeals within ten days.";
- 4 strike beginning with the last comma in line 7 through "review" in line
- 5 10 and insert "except upon a showing of exceptional cause. Appeals shall
- 6 be submitted, assigned, and scheduled for oral argument as soon as the
- 7 appellee's brief is due to be filed. The Court of Appeals shall conduct
- 8 its review in an expedited manner and shall render the judgment and
- 9 opinion, if any, as speedily as possible"; strike beginning with "Any" in
- 10 line 16 through the period in line 17 and insert "Upon the entry of an

11 order, any party may appeal to the Court of Appeals within ten days.";  
 12 and strike beginning with the last comma in line 18 through "review" in  
 13 line 21 and insert "except upon a showing of exceptional cause. Appeals  
 14 shall be submitted, assigned, and scheduled for oral argument as soon as  
 15 the appellee's brief is due to be filed. The Court of Appeals shall  
 16 conduct its review in an expedited manner and shall render the judgment  
 17 and opinion, if any, as speedily as possible".

### GENERAL FILE

**LEGISLATIVE BILL 447.** The Larson motion, MO52, found in this day's Journal, to indefinitely postpone, was renewed.

The Larson motion to indefinitely postpone failed with 13 ayes, 25 nays, and 11 present and not voting.

Senator Linehan offered the following amendment:

AM546

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

2 sections:

3 Section 1. Section 28-202, Reissue Revised Statutes of Nebraska,  
 4 2008, is amended to read:

5 28-202 (1) A person shall be guilty of criminal conspiracy if, with  
 6 intent to promote or facilitate the commission of a felony:

7 (a) He agrees with one or more persons that they or one or more of  
 8 them shall engage in or solicit the conduct or shall cause or solicit the  
 9 result specified by the definition of the offense; and

10 (b) He or another person with whom he conspired commits an overt act  
 11 in pursuance of the conspiracy.

12 (2) If a person knows that one with whom he conspires to commit a  
 13 crime has conspired with another person or persons to commit the same  
 14 crime, he is guilty of conspiring to commit such crime with such other  
 15 person or persons whether or not he knows their identity.

16 (3) If a person conspires to commit a number of crimes, he is guilty  
 17 of only one conspiracy so long as such multiple crimes are the object of  
 18 the same agreement or continuous conspiratorial relationship.

19 (4) Conspiracy is a crime of the same class as the most serious  
 20 offense which is an object of the conspiracy, except that conspiracy to  
 21 commit a Class I felony is a Class II felony. If the most serious offense  
 22 which is the object of the conspiracy is a violation of section 28-416  
 23 which specifically precludes imposition of a mandatory minimum term of  
 24 imprisonment, the minimum term for such conspiracy shall likewise not be  
 25 a mandatory minimum but a minimum only.

26 A person prosecuted for a criminal conspiracy shall be acquitted if  
 27 such person proves by a preponderance of the evidence that his or her  
 1 conduct occurred in response to an entrapment.

2 Sec. 2. Section 28-416, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:

4 28-416 (1) Except as authorized by the Uniform Controlled Substances

5 Act, it shall be unlawful for any person knowingly or intentionally: (a)  
6 To manufacture, distribute, deliver, dispense, or possess with intent to  
7 manufacture, distribute, deliver, or dispense a controlled substance; or  
8 (b) to create, distribute, or possess with intent to distribute a  
9 counterfeit controlled substance.

10 (2) Except as provided in subsections (4), (5), (7), (8), (9), and  
11 (10) of this section, any person who violates subsection (1) of this  
12 section with respect to: (a) A controlled substance classified in  
13 Schedule I, II, or III of section 28-405 which is an exceptionally  
14 hazardous drug shall be guilty of a Class II felony; (b) any other  
15 controlled substance classified in Schedule I, II, or III of section  
16 28-405 shall be guilty of a Class IIA felony; or (c) a controlled  
17 substance classified in Schedule IV or V of section 28-405 shall be  
18 guilty of a Class IIIA felony.

19 (3) A person knowingly or intentionally possessing a controlled  
20 substance, except marijuana or any substance containing a quantifiable  
21 amount of the substances, chemicals, or compounds described, defined, or  
22 delineated in subdivision (c)(25) of Schedule I of section 28-405, unless  
23 such substance was obtained directly or pursuant to a medical order  
24 issued by a practitioner authorized to prescribe while acting in the  
25 course of his or her professional practice, or except as otherwise  
26 authorized by the act, shall be guilty of a Class IV felony.

27 (4)(a) Except as authorized by the Uniform Controlled Substances  
28 Act, any person eighteen years of age or older who knowingly or  
29 intentionally manufactures, distributes, delivers, dispenses, or  
30 possesses with intent to manufacture, distribute, deliver, or dispense a  
31 controlled substance or a counterfeit controlled substance (i) to a  
1 person under the age of eighteen years, (ii) in, on, or within one  
2 thousand feet of the real property comprising a public or private  
3 elementary, vocational, or secondary school, a community college, a  
4 public or private college, junior college, or university, or a  
5 playground, or (iii) within one hundred feet of a public or private youth  
6 center, public swimming pool, or video arcade facility shall be punished  
7 by the next higher penalty classification than the penalty prescribed in  
8 subsection (2), (7), (8), (9), or (10) of this section, depending upon  
9 the controlled substance involved, for the first violation and for a  
10 second or subsequent violation shall be punished by the next higher  
11 penalty classification than that prescribed for a first violation of this  
12 subsection, but in no event shall such person be punished by a penalty  
13 greater than a Class IB felony. If an enhancement under this subdivision  
14 (4)(a) results in the imposition of a Class IC or ID felony, the minimum  
15 term shall not be a mandatory minimum.

16 (b) For purposes of this subsection:

17 (i) Playground shall mean any outdoor facility, including any  
18 parking lot appurtenant to the facility, intended for recreation, open to  
19 the public, and with any portion containing three or more apparatus  
20 intended for the recreation of children, including sliding boards,  
21 swingsets, and teeterboards;

22 (ii) Video arcade facility shall mean any facility legally

23 accessible to persons under eighteen years of age, intended primarily for  
24 the use of pinball and video machines for amusement, and containing a  
25 minimum of ten pinball or video machines; and

26 (iii) Youth center shall mean any recreational facility or  
27 gymnasium, including any parking lot appurtenant to the facility or  
28 gymnasium, intended primarily for use by persons under eighteen years of  
29 age which regularly provides athletic, civic, or cultural activities.

30 (5)(a) Except as authorized by the Uniform Controlled Substances  
31 Act, it shall be unlawful for any person eighteen years of age or older  
1 to knowingly and intentionally employ, hire, use, cause, persuade, coax,  
2 induce, entice, seduce, or coerce any person under the age of eighteen  
3 years to manufacture, transport, distribute, carry, deliver, dispense,  
4 prepare for delivery, offer for delivery, or possess with intent to do  
5 the same a controlled substance or a counterfeit controlled substance.

6 (b) Except as authorized by the Uniform Controlled Substances Act,  
7 it shall be unlawful for any person eighteen years of age or older to  
8 knowingly and intentionally employ, hire, use, cause, persuade, coax,  
9 induce, entice, seduce, or coerce any person under the age of eighteen  
10 years to aid and abet any person in the manufacture, transportation,  
11 distribution, carrying, delivery, dispensing, preparation for delivery,  
12 offering for delivery, or possession with intent to do the same of a  
13 controlled substance or a counterfeit controlled substance.

14 (c) Any person who violates subdivision (a) or (b) of this  
15 subsection shall be punished by the next higher penalty classification  
16 than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of  
17 this section, depending upon the controlled substance involved, for the  
18 first violation and for a second or subsequent violation shall be  
19 punished by the next higher penalty classification than that prescribed  
20 for a first violation of this subsection, but in no event shall such  
21 person be punished by a penalty greater than a Class IB felony. If an  
22 enhancement under this subdivision (5)(c) results in the imposition of a  
23 Class IC or ID felony, the minimum term shall not be a mandatory minimum.

24 (6) It shall not be a defense to prosecution for violation of  
25 subsection (4) or (5) of this section that the defendant did not know the  
26 age of the person through whom the defendant violated such subsection.

27 (7) Any person who violates subsection (1) of this section with  
28 respect to cocaine or any mixture or substance containing a detectable  
29 amount of cocaine in a quantity of:

30 (a) One hundred forty grams or more shall be guilty of a Class IB  
31 felony;

1 (b) At least twenty-eight grams but less than one hundred forty  
2 grams shall be guilty of a Class IC felony, except that the minimum term  
3 shall not be a mandatory minimum; or

4 (c) At least ten grams but less than twenty-eight grams shall be  
5 guilty of a Class ID felony, except that the minimum term shall not be a  
6 mandatory minimum.

7 (8) Any person who violates subsection (1) of this section with  
8 respect to base cocaine (crack) or any mixture or substance containing a  
9 detectable amount of base cocaine in a quantity of:



- 10 (a) One hundred forty grams or more shall be guilty of a Class IB  
11 felony;
- 12 (b) At least twenty-eight grams but less than one hundred forty  
13 grams shall be guilty of a Class IC felony, except that the minimum term  
14 shall not be a mandatory minimum; or
- 15 (c) At least ten grams but less than twenty-eight grams shall be  
16 guilty of a Class ID felony, except that the minimum term shall not be a  
17 mandatory minimum.
- 18 (9) Any person who violates subsection (1) of this section with  
19 respect to heroin or any mixture or substance containing a detectable  
20 amount of heroin in a quantity of:
- 21 (a) One hundred forty grams or more shall be guilty of a Class IB  
22 felony;
- 23 (b) At least twenty-eight grams but less than one hundred forty  
24 grams shall be guilty of a Class IC felony, except that the minimum term  
25 shall not be a mandatory minimum; or
- 26 (c) At least ten grams but less than twenty-eight grams shall be  
27 guilty of a Class ID felony, except that the minimum term shall not be a  
28 mandatory minimum.
- 29 (10) Any person who violates subsection (1) of this section with  
30 respect to amphetamine, its salts, optical isomers, and salts of its  
31 isomers, or with respect to methamphetamine, its salts, optical isomers,  
1 and salts of its isomers, in a quantity of:
- 2 (a) One hundred forty grams or more shall be guilty of a Class IB  
3 felony;
- 4 (b) At least twenty-eight grams but less than one hundred forty  
5 grams shall be guilty of a Class IC felony, except that the minimum term  
6 shall not be a mandatory minimum; or
- 7 (c) At least ten grams but less than twenty-eight grams shall be  
8 guilty of a Class ID felony, except that the minimum term shall not be a  
9 mandatory minimum.
- 10 (11) Any person knowingly or intentionally possessing marijuana  
11 weighing more than one ounce but not more than one pound shall be guilty  
12 of a Class III misdemeanor.
- 13 (12) Any person knowingly or intentionally possessing marijuana  
14 weighing more than one pound shall be guilty of a Class IV felony.
- 15 (13) Any person knowingly or intentionally possessing marijuana  
16 weighing one ounce or less or any substance containing a quantifiable  
17 amount of the substances, chemicals, or compounds described, defined, or  
18 delineated in subdivision (c)(25) of Schedule I of section 28-405 shall:
- 19 (a) For the first offense, be guilty of an infraction, receive a  
20 citation, be fined three hundred dollars, and be assigned to attend a  
21 course as prescribed in section 29-433 if the judge determines that  
22 attending such course is in the best interest of the individual  
23 defendant;
- 24 (b) For the second offense, be guilty of a Class IV misdemeanor,  
25 receive a citation, and be fined four hundred dollars and may be  
26 imprisoned not to exceed five days; and
- 27 (c) For the third and all subsequent offenses, be guilty of a Class

28 IIIA misdemeanor, receive a citation, be fined five hundred dollars, and  
29 be imprisoned not to exceed seven days.

30 (14) Any person convicted of violating this section, if placed on  
31 probation, shall, as a condition of probation, satisfactorily attend and  
1 complete appropriate treatment and counseling on drug abuse provided by a  
2 program authorized under the Nebraska Behavioral Health Services Act or  
3 other licensed drug treatment facility.

4 (15) Any person convicted of violating this section, if sentenced to  
5 the Department of Correctional Services, shall attend appropriate  
6 treatment and counseling on drug abuse.

7 (16) Any person knowingly or intentionally possessing a firearm  
8 while in violation of subsection (1) of this section shall be punished by  
9 the next higher penalty classification than the penalty prescribed in  
10 subsection (2), (7), (8), (9), or (10) of this section, but in no event  
11 shall such person be punished by a penalty greater than a Class IB  
12 felony. If an enhancement under this subsection (16) results in the  
13 imposition of a Class IC or ID felony, the minimum term shall not be a  
14 mandatory minimum.

15 (17) A person knowingly or intentionally in possession of money used  
16 or intended to be used to facilitate a violation of subsection (1) of  
17 this section shall be guilty of a Class IV felony.

18 (18) In addition to the existing penalties available for a violation  
19 of subsection (1) of this section, including any criminal attempt or  
20 conspiracy to violate subsection (1) of this section, a sentencing court  
21 may order that any money, securities, negotiable instruments, firearms,  
22 conveyances, or electronic communication devices as defined in section  
23 28-833 or any equipment, components, peripherals, software, hardware, or  
24 accessories related to electronic communication devices be forfeited as a  
25 part of the sentence imposed if it finds by clear and convincing evidence  
26 adduced at a separate hearing in the same prosecution, following  
27 conviction for a violation of subsection (1) of this section, and  
28 conducted pursuant to section 28-1601, that any or all such property was  
29 derived from, used, or intended to be used to facilitate a violation of  
30 subsection (1) of this section.

31 (19) In addition to the penalties provided in this section:

1 (a) If the person convicted or adjudicated of violating this section  
2 is eighteen years of age or younger and has one or more licenses or  
3 permits issued under the Motor Vehicle Operator's License Act:

4 (i) For the first offense, the court may, as a part of the judgment  
5 of conviction or adjudication, (A) impound any such licenses or permits  
6 for thirty days and (B) require such person to attend a drug education  
7 class;

8 (ii) For a second offense, the court may, as a part of the judgment  
9 of conviction or adjudication, (A) impound any such licenses or permits  
10 for ninety days and (B) require such person to complete no fewer than  
11 twenty and no more than forty hours of community service and to attend a  
12 drug education class; and

13 (iii) For a third or subsequent offense, the court may, as a part of  
14 the judgment of conviction or adjudication, (A) impound any such licenses

15 or permits for twelve months and (B) require such person to complete no  
16 fewer than sixty hours of community service, to attend a drug education  
17 class, and to submit to a drug assessment by a licensed alcohol and drug  
18 counselor; and

19 (b) If the person convicted or adjudicated of violating this section  
20 is eighteen years of age or younger and does not have a permit or license  
21 issued under the Motor Vehicle Operator's License Act:

22 (i) For the first offense, the court may, as part of the judgment of  
23 conviction or adjudication, (A) prohibit such person from obtaining any  
24 permit or any license pursuant to the act for which such person would  
25 otherwise be eligible until thirty days after the date of such order and  
26 (B) require such person to attend a drug education class;

27 (ii) For a second offense, the court may, as part of the judgment of  
28 conviction or adjudication, (A) prohibit such person from obtaining any  
29 permit or any license pursuant to the act for which such person would  
30 otherwise be eligible until ninety days after the date of such order and  
31 (B) require such person to complete no fewer than twenty hours and no  
1 more than forty hours of community service and to attend a drug education  
2 class; and

3 (iii) For a third or subsequent offense, the court may, as part of  
4 the judgment of conviction or adjudication, (A) prohibit such person from  
5 obtaining any permit or any license pursuant to the act for which such  
6 person would otherwise be eligible until twelve months after the date of  
7 such order and (B) require such person to complete no fewer than sixty  
8 hours of community service, to attend a drug education class, and to  
9 submit to a drug assessment by a licensed alcohol and drug counselor.

10 A copy of an abstract of the court's conviction or adjudication  
11 shall be transmitted to the Director of Motor Vehicles pursuant to  
12 sections 60-497.01 to 60-497.04 if a license or permit is impounded or a  
13 juvenile is prohibited from obtaining a license or permit under this  
14 subsection.

15 Sec. 3. Original section 28-202, Reissue Revised Statutes of  
16 Nebraska, 2008, and section 28-416, Reissue Revised Statutes of Nebraska,  
17 are repealed.

Senator Crawford moved the previous question. The question is, "Shall the  
debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not  
voting.

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

Senator Linehan requested a roll call vote on her amendment.

Voting in the affirmative, 29:

Baker	Ebke	Kolowski	Morfeld	Vargas
Blood	Groene	Krist	Pansing Brooks	Walz
Bolz	Hansen	Lindstrom	Quick	Wayne
Briese	Harr	Linehan	Schumacher	Williams
Chambers	Hilkemann	McCollister	Smith	Wishart
Crawford	Howard	McDonnell	Stinner	

Voting in the negative, 9:

Albrecht	Clements	Geist	Hilgers	Lowe
Brewer	Erdman	Halloran	Kuehn	

Present and not voting, 10:

Bostelman	Craighead	Hughes	Larson	Riepe
Brasch	Friesen	Kolterman	Murante	Watermeier

Excused and not voting, 1:

Scheer

The Linehan amendment was adopted with 29 ayes, 9 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Larson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 34 ayes, 3 nays, and 12 not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 22 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 447A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 10 nays, 8 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 195.** Title read. Considered.

Senator Craighead offered the following amendment:  
AM547

1 1. On page 2, strike beginning with "A" in line 22 through line 25.

The Craighead amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 1 nay, 8 present and not voting, and 2 excused and not voting.

### **COMMITTEE REPORT(S)**

Natural Resources

**LEGISLATIVE BILL 87.** Indefinitely postponed.  
**LEGISLATIVE BILL 352.** Indefinitely postponed.  
**LEGISLATIVE BILL 429.** Indefinitely postponed.  
**LEGISLATIVE BILL 488.** Indefinitely postponed.  
**LEGISLATIVE BILL 533.** Indefinitely postponed.  
**LEGISLATIVE BILL 547.** Indefinitely postponed.  
**LEGISLATIVE BILL 626.** Indefinitely postponed.  
**LEGISLATIVE BILL 657.** Indefinitely postponed.  
**LEGISLATIVE BILL 660.** Indefinitely postponed.

(Signed) Dan Hughes, Chairperson

### **ANNOUNCEMENT(S)**

Senator Howard designates LB223 as her priority bill.

The Agriculture Committee designates LB600 as its priority bill.

The Natural Resources Committee designates LB566 and LB182 as its priority bills.

Senator Lindstrom designates LB337 as his priority bill.

Senator Walz designates LB444 as her priority bill.

Senator Hughes designates LB535 as his priority bill.

### **AMENDMENT(S) - Print in Journal**

Senator Hilkemann filed the following amendments to LB368:

AM503

1 1. On page 2, line 20, strike "six" and insert "sixteen".

AM506

1 1. Insert the following new section:

2 Section 1. Section 60-4,127, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4 60-4,127 (1) No person shall operate a motorcycle on the alleys or  
5 highways of the State of Nebraska until such person has obtained a Class  
6 M license. No such license shall be issued until the applicant has (a)

7 met the vision and physical requirements established under section  
 8 60-4,118 for operation of a motor vehicle, (b) indicated his or her wish  
 9 to be an organ and tissue donor and continues his or her status as such  
 10 while he or she has such license, and (c) ~~(b)~~ successfully completed an  
 11 examination, including the actual operation of a motorcycle, prescribed  
 12 by the director, except that the required examination may be waived,  
 13 including the actual operation of a motorcycle, if the applicant presents  
 14 proof of successful completion of a motorcycle safety course under the  
 15 Motorcycle Safety Education Act within the immediately preceding twenty-

16 four months.  
 17 (2) Department personnel shall conduct the examination of the  
 18 applicants and deliver to each successful applicant an issuance  
 19 certificate or a receipt. If department personnel issue a receipt,  
 20 department personnel shall collect the fee and surcharge as provided in  
 21 section 60-4,115 and issue a receipt with driving privileges which is  
 22 valid for up to thirty days. In counties where the county treasurer  
 23 collects fees and issues receipts, the certificate may be presented to  
 24 the county treasurer within ninety days after issuance. Upon presentation  
 25 of an issuance certificate, the county treasurer shall collect the fee  
 26 and surcharge for a Class M license as prescribed by section 60-4,115 and  
 27 issue a receipt with driving privileges which is valid for up to thirty  
 1 days. If department personnel refuse to issue an issuance certificate or  
 2 receipt, the department personnel shall state such cause in writing and  
 3 deliver such written cause to the applicant. The license shall be  
 4 delivered as provided in section 60-4,113. If the applicant is the holder  
 5 of an operator's license, the county treasurer or department personnel  
 6 shall have endorsed on the license the authorization to operate a  
 7 motorcycle. Fees for Class M licenses shall be as provided by section  
 8 60-4,115.

9 2. Renumber the remaining sections and correct the repealer  
 10 accordingly.

AM509

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

2 Section 1. Section 60-6,279, Reissue Revised Statutes of Nebraska,  
 3 is amended to read:

4 60-6,279 (1) A person shall not operate a motorcycle or moped on  
 5 any highway in this state unless such person is wearing eye protection  
 6 and hearing protection.

7 (2)(a) Except as otherwise provided in subsections (3) and (4) of  
 8 this section, a ~~A~~ person shall not operate or be a passenger on a  
 9 motorcycle or moped on any highway in this state unless such person is  
 10 wearing a protective helmet of the type and design manufactured for use  
 11 by operators of such vehicles and unless such helmet is secured properly  
 12 on his or her head with a chin strap while the vehicle is in motion. All  
 13 such protective helmets shall be designed to reduce injuries to the user  
 14 resulting from head impacts and shall be designed to protect the user by  
 15 remaining on the user's head, deflecting blows, resisting penetration,  
 16 and spreading the force of impact. Each such helmet shall consist of

17 lining, padding, and chin strap and shall meet or exceed the standards  
 18 established in the United States Department of Transportation's Federal  
 19 Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle  
 20 helmets.

21 (b) A person shall not be a passenger on a motorcycle or moped on  
 22 any highway in this state unless such person is at least six years of  
 23 age.

24 (3) A person who is at least twenty-one years of age is exempt from  
 25 subdivision (2)(a) of this section.

26 (4) For purposes of this section:

27 (a) Eye protection means glasses that cover the orbital region of a  
 1 person's face, a protective face shield attached to a protective helmet,  
 2 goggles, or a windshield on the motorcycle or moped that protects the  
 3 operator's and passenger's horizontal line of vision in all operating  
 4 positions; and

5 (b) Hearing protection means disposable foam plugs or reusable  
 6 custom-molded devices that reduce noise.

AM517

1 1. Insert the following new sections:

2 Section 1. Section 44-6408, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:

4 44-6408 (1)(a) Except as provided in subdivision (b) of this  
 5 subsection, no ~~(1)~~ No policy insuring against liability imposed by law  
 6 for bodily injury, sickness, disease, or death suffered by a natural  
 7 person arising out of the ownership, operation, maintenance, or use of a  
 8 motor vehicle within the United States, its territories or possessions,  
 9 or Canada shall be delivered, issued for delivery, or renewed with  
 10 respect to any motor vehicle principally garaged in this state unless  
 11 coverage is provided for the protection of persons insured who are  
 12 legally entitled to recover compensatory damages for bodily injury,  
 13 sickness, disease, or death from (i) ~~(a)~~ the owner or operator of an  
 14 uninsured motor vehicle in limits of twenty-five thousand dollars because  
 15 of bodily injury, sickness, disease, or death of one person in any one  
 16 accident and, subject to such limit for one person, fifty thousand  
 17 dollars because of bodily injury, sickness, disease, or death of two or  
 18 more persons in any one accident, and (ii) ~~(b)~~ the owner or operator of  
 19 an underinsured motor vehicle in limits of twenty-five thousand dollars  
 20 because of bodily injury, sickness, disease, or death of one person in  
 21 any one accident and, subject to such limit for one person, fifty  
 22 thousand dollars because of bodily injury, sickness, disease, or death of  
 23 two or more persons in any one accident.

24 (b) No policy insuring against liability imposed by law for bodily  
 25 injury, sickness, disease, or death suffered by a natural person arising  
 26 out of the ownership, operation, maintenance, or use of a motorcycle or  
 27 moped within the United States, its territories or possessions, or Canada  
 1 shall be delivered, issued for delivery, or renewed with respect to any  
 2 motorcycle or moped principally garaged in this state unless coverage is  
 3 provided for the protection of persons insured who are legally entitled

4 to recover compensatory damages for bodily injury, sickness, disease, or  
5 death from (i) the owner or operator of an uninsured motorcycle or moped  
6 in limits of one million dollars because of bodily injury, sickness,  
7 disease, or death of one person in any one accident and, subject to such  
8 limit for one person, two million dollars because of bodily injury,  
9 sickness, disease, or death of two or more persons in any one accident,  
10 and (ii) the owner or operator of an underinsured motorcycle or moped in  
11 limits of one million dollars because of bodily injury, sickness,  
12 disease, or death of one person in any one accident and, subject to such  
13 limit for one person, two million dollars because of bodily injury,  
14 sickness, disease, or death of two or more persons in any one accident.

15 (2) At the written request of the named insured, the insurer shall  
16 provide higher limits of uninsured and underinsured motorist coverages in  
17 accordance with its rating plan and rules, except that in no event shall  
18 the insurer be required to provide limits higher than one hundred  
19 thousand dollars per person and three hundred thousand dollars per  
20 accident except as provided in subdivision (1)(b) of this section.

21 (3) After purchase of uninsured and underinsured motorist coverages,  
22 no insurer or any affiliated insurer shall be required to notify any  
23 policyholder in any renewal, reinstatement, substitute, amended, altered,  
24 modified, transfer, or replacement policy as to the availability of  
25 optional limits of such coverages. The named insured may, subject to the  
26 limitations of this section, make a written request for additional  
27 coverage or coverage more extensive than that provided in a prior policy.

28 Sec. 2. Section 60-310, Revised Statutes Cumulative Supplement,  
29 2016, is amended to read:

30 60-310 Automobile liability policy means liability insurance written  
31 by an insurance carrier duly authorized to do business in this state  
1 protecting other persons from damages for liability on account of  
2 accidents occurring subsequent to the effective date of the insurance  
3 arising out of the ownership of a motor vehicle (1) in the amount of  
4 twenty-five thousand dollars because of bodily injury to or death of one  
5 person in any one accident, (2) subject to the limit for one person, in  
6 the amount of fifty thousand dollars because of bodily injury to or death  
7 of two or more persons in any one accident, and (3) in the amount of  
8 twenty-five thousand dollars because of injury to or destruction of  
9 property of other persons in any one accident. In addition, if the motor  
10 vehicle is a motorcycle or moped, medical payments coverage in the amount  
11 of one million dollars because of bodily injury to or death of one person  
12 in any one accident and, subject to the limit for one person, in the  
13 amount of two million dollars because of bodily injury or death of two or  
14 more persons in any one accident, shall be required. An automobile  
15 liability policy shall not exclude, limit, reduce, or otherwise alter  
16 liability coverage under the policy solely because the injured person  
17 making a claim is the named insured in the policy or residing in the  
18 household with the named insured.

19 Sec. 3. Section 60-346, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 60-346 Proof of financial responsibility means evidence of ability



22 to respond in damages for liability, on account of accidents occurring  
23 subsequent to the effective date of such proof, arising out of the  
24 ownership, maintenance, or use of a motor vehicle, (1) in the amount of  
25 twenty-five thousand dollars because of bodily injury to or death of one  
26 person in any one accident, (2) subject to such limit for one person, in  
27 the amount of fifty thousand dollars because of bodily injury to or death  
28 of two or more persons in any one accident, and (3) in the amount of  
29 twenty-five thousand dollars because of injury to or destruction of  
30 property of others in any one accident. In addition, if the motor vehicle  
31 is a motorcycle or moped, medical payments coverage in the amount of one  
1 million dollars because of bodily injury to or death of one person in any  
2 one accident and, subject to the limit for one person, in the amount of  
3 two million dollars because of bodily injury or death of two or more  
4 persons in any one accident, shall be required.

5 Sec. 4. Section 60-501, Revised Statutes Cumulative Supplement,  
6 2016, is amended to read:

7 60-501 For purposes of the Motor Vehicle Safety Responsibility Act,  
8 unless the context otherwise requires:

9 (1) Department means Department of Motor Vehicles;

10 (2) Golf car vehicle means a vehicle that has at least four wheels,  
11 has a maximum level ground speed of less than twenty miles per hour, has  
12 a maximum payload capacity of one thousand two hundred pounds, has a  
13 maximum gross vehicle weight of two thousand five hundred pounds, has a  
14 maximum passenger capacity of not more than four persons, and is designed  
15 and manufactured for operation on a golf course for sporting and  
16 recreational purposes;

17 (3) Judgment means any judgment which shall have become final by the  
18 expiration of the time within which an appeal might have been perfected  
19 without being appealed, or by final affirmation on appeal, rendered by a  
20 court of competent jurisdiction of any state or of the United States, (a)  
21 upon a cause of action arising out of the ownership, maintenance, or use  
22 of any motor vehicle for damages, including damages for care and loss of  
23 services, because of bodily injury to or death of any person or for  
24 damages because of injury to or destruction of property, including the  
25 loss of use thereof, or (b) upon a cause of action on an agreement of  
26 settlement for such damages;

27 (4) License means any license issued to any person under the laws of  
28 this state pertaining to operation of a motor vehicle within this state;

29 (5) Low-speed vehicle means a four-wheeled motor vehicle (a) whose  
30 speed attainable in one mile is more than twenty miles per hour and not  
31 more than twenty-five miles per hour on a paved, level surface, (b) whose  
1 gross vehicle weight rating is less than three thousand pounds, and (c)  
2 that complies with 49 C.F.R. part 571, as such part existed on January 1,  
3 2016;

4 (6) Minitruck means a foreign-manufactured import vehicle or  
5 domestic-manufactured vehicle which (a) is powered by an internal  
6 combustion engine with a piston or rotor displacement of one thousand  
7 five hundred cubic centimeters or less, (b) is sixty-seven inches or less  
8 in width, (c) has a dry weight of four thousand two hundred pounds or

9 less, (d) travels on four or more tires, (e) has a top speed of  
10 approximately fifty-five miles per hour, (f) is equipped with a bed or  
11 compartment for hauling, (g) has an enclosed passenger cab, (h) is  
12 equipped with headlights, taillights, turnsignals, windshield wipers, a  
13 rearview mirror, and an occupant protection system, and (i) has a four-  
14 speed, five-speed, or automatic transmission;

15 (7) Motor vehicle means any self-propelled vehicle which is designed  
16 for use upon a highway, including trailers designed for use with such  
17 vehicles, minitrucks, and low-speed vehicles. Motor vehicle does not  
18 include (a) mopeds as defined in section 60-637, (b) traction engines,  
19 (c) road rollers, (d) farm tractors, (e) tractor cranes, (f) power  
20 shovels, (g) well drillers, (h) every vehicle which is propelled by  
21 electric power obtained from overhead wires but not operated upon rails,  
22 (i) electric personal assistive mobility devices as defined in section  
23 60-618.02, (j) off-road designed vehicles, including, but not limited to,  
24 golf car vehicles, go-carts, riding lawnmowers, garden tractors, all-  
25 terrain vehicles and utility-type vehicles as defined in section  
26 60-6,355, minibikes as defined in section 60-636, and snowmobiles as  
27 defined in section 60-663, and (k) bicycles as defined in section 60-611;

28 (8) Nonresident means every person who is not a resident of this  
29 state;

30 (9) Nonresident's operating privilege means the privilege conferred  
31 upon a nonresident by the laws of this state pertaining to the operation  
1 by him or her of a motor vehicle or the use of a motor vehicle owned by  
2 him or her in this state;

3 (10) Operator means every person who is in actual physical control  
4 of a motor vehicle;

5 (11) Owner means a person who holds the legal title of a motor  
6 vehicle, or in the event (a) a motor vehicle is the subject of an  
7 agreement for the conditional sale or lease thereof with the right of  
8 purchase upon performance of the conditions stated in the agreement and  
9 with an immediate right of possession vested in the conditional vendee or  
10 lessee or (b) a mortgagor of a vehicle is entitled to possession, then  
11 such conditional vendee or lessee or mortgagor shall be deemed the owner  
12 for the purposes of the act;

13 (12) Person means every natural person, firm, partnership, limited  
14 liability company, association, or corporation;

15 (13) Proof of financial responsibility means evidence of ability to  
16 respond in damages for liability, on account of accidents occurring  
17 subsequent to the effective date of such proof, arising out of the  
18 ownership, maintenance, or use of a motor vehicle, (a) in the amount of  
19 twenty-five thousand dollars because of bodily injury to or death of one  
20 person in any one accident, (b) subject to such limit for one person, in  
21 the amount of fifty thousand dollars because of bodily injury to or death  
22 of two or more persons in any one accident, and (c) in the amount of  
23 twenty-five thousand dollars because of injury to or destruction of  
24 property of others in any one accident. In addition, if the motor vehicle  
25 is a motorcycle or moped, medical payments coverage in the amount of one  
26 million dollars because of bodily injury to or death of one person in any

27 one accident and, subject to the limit for one person, in the amount of  
28 two million dollars because of bodily injury or death of two or more  
29 persons in any one accident, shall be required;

30 (14) Registration means registration certificate or certificates and  
31 registration plates issued under the laws of this state pertaining to the  
1 registration of motor vehicles;

2 (15) State means any state, territory, or possession of the United  
3 States, the District of Columbia, or any province of the Dominion of  
4 Canada; and

5 (16) The forfeiture of bail, not vacated, or of collateral deposited  
6 to secure an appearance for trial shall be regarded as equivalent to  
7 conviction of the offense charged.

8 Sec. 5. Section 60-509, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 60-509 No such policy or bond shall be effective under section  
11 60-508 unless issued by an insurance company or surety company authorized  
12 to do business in this state, except that if such motor vehicle was not  
13 registered in this state or was a motor vehicle which was registered  
14 elsewhere than in this state at the effective date of a policy or bond or  
15 the most recent renewal thereof, such policy or bond shall not be  
16 effective under section 60-508 unless the insurance company or surety  
17 company, if not authorized to do business in this state, shall execute an  
18 acknowledgment that the company shall be amenable to process issued by a  
19 court of this state in any action upon such policy or bond arising out of  
20 such accident. Every such policy or bond is subject, if the accident has  
21 resulted in bodily injury, sickness, disease, or death, to a limit,  
22 exclusive of interest and costs, of not less than twenty-five thousand  
23 dollars because of bodily injury to or death of one person in any one  
24 accident and, subject to such limit for one person, to a limit of not  
25 less than fifty thousand dollars because of bodily injury to or death of  
26 two or more persons in any one accident and, if the accident has resulted  
27 in injury to or destruction of property, to a limit of not less than  
28 twenty-five thousand dollars because of injury to or destruction of  
29 property of others in any one accident. In addition, if the motor vehicle  
30 is a motorcycle or moped, medical payments coverage in the amount of one  
31 million dollars because of bodily injury to or death of one person in any  
1 one accident and, subject to the limit for one person, in the amount of  
2 two million dollars because of bodily injury or death of two or more  
3 persons in any one accident, shall be required. Upon receipt of a notice  
4 of such accident, the insurance company or surety company which issued  
5 such policy or bond shall furnish, for filing with the department, a  
6 written notice that such policy or bond was in effect at the time of such  
7 accident.

8 Sec. 6. Section 60-534, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 60-534 Such motor vehicle liability policy shall (1) designate by  
11 explicit description or by appropriate reference all motor vehicles with  
12 respect to which coverage is thereby to be granted and (2) insure the  
13 person named therein and any other person, as insured, using any such

14 motor vehicle or motor vehicles with the express or implied permission of  
 15 such named insured, against loss from the liability imposed by law for  
 16 damages arising out of the ownership, maintenance, or use of such motor  
 17 vehicle or motor vehicles within the United States of America or the  
 18 Dominion of Canada, subject to limits exclusive of interest and costs,  
 19 with respect to each such motor vehicle as follows: Twenty-five thousand  
 20 dollars because of bodily injury to or death of one person in any one  
 21 accident and, subject to such limit for one person, fifty thousand  
 22 dollars because of bodily injury to or death of two or more persons in  
 23 any one accident, and twenty-five thousand dollars because of injury to  
 24 or destruction of property of others in any one accident. In addition, if  
 25 the motor vehicle is a motorcycle or moped, medical payments coverage in  
 26 the amount of one million dollars because of bodily injury to or death of  
 27 one person in any one accident and, subject to the limit for one person,  
 28 in the amount of two million dollars because of bodily injury or death of  
 29 two or more persons in any one accident, shall be required.

30 Sec. 7. Section 60-549, Reissue Revised Statutes of Nebraska, is  
 31 amended to read:

1 60-549 Proof of financial responsibility may be evidenced by the  
 2 certificate of the State Treasurer that the person named in the  
 3 certificate has deposited with him or her an amount equal to the sum of  
 4 the amounts specified in subdivisions (13)(b) and (c) of section 60-501  
 5 seventy-five thousand dollars per vehicle in cash or securities such as  
 6 may legally be purchased by savings banks or for trust funds of a market  
 7 value of such amount ~~seventy-five thousand dollars~~. The State Treasurer  
 8 shall not accept any such deposit and issue a certificate therefor and  
 9 the department shall not accept such certificate unless it is accompanied  
 10 by evidence that there are no unsatisfied judgments of any character  
 11 against the depositor in the county where the depositor resides.  
 12 2. Renumber the remaining sections and correct the repealer  
 13 accordingly.

AM505

1 1. Insert the following new section:  
 2 Section 1. Section 60-3,153, Reissue Revised Statutes of Nebraska,  
 3 is amended to read:  
 4 60-3,153 For the registration of every motorcycle, the fee shall be  
 5 one hundred six dollars.  
 6 2. Renumber the remaining sections and correct the repealer  
 7 accordingly.

#### **COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 157.** Placed on General File.

**LEGISLATIVE BILL 618.** Placed on General File.

**LEGISLATIVE BILL 275.** Placed on General File with amendment.  
AM445

1 1. Strike original section 3 and insert the following new sections:

2 Sec. 3. (1) A law enforcement agency is authorized to remove an  
3 abandoned or trespassing vehicle from private property upon the request  
4 of the private property owner on whose property the vehicle is located  
5 and upon information indicating that the vehicle is an abandoned or  
6 trespassing vehicle. After removal, the law enforcement agency with  
7 custody of the vehicle shall follow the procedures in sections 60-1902  
8 and 60-1903.

9 (2) A law enforcement agency is authorized to contact a private  
10 towing service in order to remove an abandoned or trespassing vehicle  
11 from private property upon the request of the private property owner on  
12 whose property the vehicle is located and upon information indicating  
13 that the vehicle is an abandoned or trespassing vehicle. A vehicle towed  
14 away under this subsection is subject to sections 52-601.01 to 52-605 and  
15 60-2410 by the private towing service which towed the vehicle.

16 (3) A private property owner is authorized to remove or cause the  
17 removal of an abandoned or trespassing vehicle from such property or to  
18 any other place on any private property of the owner and may contact a  
19 private towing service for such removal. A private towing service that  
20 tows the vehicle shall notify, within twenty-four hours, the designated  
21 law enforcement agency in the jurisdiction from which the vehicle is  
22 removed and provide the registration plate number, the vehicle  
23 identification number, if available, the make, model, and color of the  
24 vehicle, and the name of the private towing service and the location, if  
25 applicable, where the private towing service is storing the vehicle. A  
26 vehicle towed away under this subsection is subject to sections 52-601.01  
27 to 52-605 and 60-2410 by the private towing service that towed the  
1 vehicle.

2 (4) For purposes of this section, a trespassing vehicle is a vehicle  
3 that is parked without permission on private property that is not  
4 typically made available for public parking.

5 Sec. 7. Section 60-2410, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 60-2410 (1) The owner or other person lawfully entitled to the  
8 possession of any vehicle towed or stored shall be charged with the  
9 reasonable cost of towing and storage fees. Any such towing or storage  
10 fee shall be a lien upon the vehicle under Chapter 52, article 6, and,  
11 except as provided in subsection (3) of this section, shall be prior to  
12 all other claims. Any person towing or storing a vehicle may retain  
13 possession of such vehicle until such charges are paid or, after ninety  
14 days, may dispose of such vehicle to satisfy the lien. Upon payment of  
15 such charges, the person towing or storing the vehicle shall return  
16 possession of the vehicle to the (a) owner, (b) lienholder, or (c) any  
17 other person lawfully entitled to the possession of such vehicle making  
18 payment of such charges. The lien provided for in this section shall not  
19 apply to the contents of any vehicle.

20 (2) The person towing the vehicle shall, within fifteen business

21 days after towing, notify any lienholder appearing on the certificate of  
 22 title of the vehicle and the owner of the vehicle of the towing of the  
 23 vehicle. The notice shall be sent by certified mail, return receipt  
 24 requested, to the last-known address of the lienholder and owner of the  
 25 vehicle. The notice shall contain:

26 (a) The make, model, color, year, and vehicle identification number  
 27 of the vehicle;

28 (b) The name, address, and telephone number of the person who towed  
 29 the vehicle;

30 (c) The date of towing;

31 (d) The daily storage fee and the storage fee accrued as of the date  
 1 of the notification; and

2 (e) A statement that the vehicle is subject to lien and disposition  
 3 by sale or other manner ninety days after the date of towing under  
 4 Chapter 52, article 6.

5 (3) Failure to provide notice as prescribed in subsection (2) of  
 6 this section shall (a) result in the lien of the person who towed the  
 7 vehicle being void as to the storage fee, (b) result in the lien of the  
 8 person who towed the vehicle being subordinate to the lien of the  
 9 lienholder appearing on the certificate of title as to the reasonable  
 10 towing fee, and (c) render void any disposition of the vehicle by the  
 11 person who towed the vehicle.

12 2. Renumber the remaining section and correct the repealer  
 13 accordingly.

(Signed) Curt Friesen, Chairperson

Health and Human Services

**LEGISLATIVE BILL 61.** Placed on General File.

(Signed) Merv Riepe, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Briese name added to LB92.

Senator McCollister name added to LB322.

Senator Bostelman name added to LB323.

Senator Briese name added to LB340.

Senator Bostelman name added to LB506.

**VISITOR(S)**

Visitors to the Chamber were Lori and Paul Hogan, founders of Home Instead Senior Care and franchise owners from across Nebraska; 44 fourth-grade students and teachers from Bryan Elementary, Lexington; and members from Moms Demand Action.

**ADJOURNMENT**

At 11:48 a.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Thursday, March 9, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature





**FORTY-FOURTH DAY - MARCH 9, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 9, 2017

**PRAYER**

The prayer was offered by Senator Vargas.

**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 Hilgers and Larson who were excused; and Senators Bolz, Kolowski, McCollister, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-third day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 447.** Placed on Select File with amendment.  
ER17

1 1. On page 1, strike lines 2 and 3 and insert "28-202, Reissue  
2 Revised Statutes of Nebraska, 2008, and section 28-416, Reissue Revised  
3 Statutes of Nebraska; to change penalty provisions relating to criminal  
4 conspiracy and certain drug-related offenses as prescribed; and to repeal  
5 the original sections."

**LEGISLATIVE BILL 447A.** Placed on Select File.

**LEGISLATIVE BILL 195.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

**ANNOUNCEMENT(S)**

The Transportation and Telecommunications Committee designates LB263 and LB339 as its priority bills.

Senator Bolz designates LB173 as her priority bill.

Senator Hansen designates LB259 as his priority bill.

Senator Briese designates LB265 as his priority bill.

**COMMITTEE REPORT(S)**  
Banking, Commerce and Insurance

**LEGISLATIVE BILL 641.** Placed on General File with amendment.  
AM560

1 1. Strike original sections 2 and 5 and insert the following new  
2 sections:

3 Sec. 3. Section 81-12,152, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 81-12,152 Sections 81-12,152 to 81-12,167 and sections 1 and 2 of  
6 this act shall be known and may be cited as the Business Innovation Act.

7 Sec. 6. Since an emergency exists, this act takes effect when passed  
8 and approved according to law.

9 2. On page 2, line 12, strike "and"; and in line 14 after "agency"

10 insert ", and (e) received by the Department of Economic Development as  
11 repayments of loans from the Nebraska Progress Loan Fund as authorized by  
12 the federal State Small Business Credit Initiative Act of 2010, 12 U.S.C.  
13 5701 et seq., as such act existed on January 1, 2017".

14 3. On page 4, lines 14 and 15, strike "pursuant" through "Act".

15 4. Amend the repealer and renumber the remaining sections  
16 accordingly.

(Signed) Brett Lindstrom, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 61.** Introduced by Pansing Brooks, 28;  
Watermeier, 1.

WHEREAS, Thomas Lee Kaspar, AIA, began his architectural  
preservation career at the Nebraska State Capitol in 1977; and

WHEREAS, Mr. Kaspar worked with the Nebraska Unicameral  
Legislature in 1980 to establish the Capitol Original Furniture Collection  
through the passage of LB 885; and

WHEREAS, Mr. Kaspar oversaw the return to service of hundreds of  
pieces of original furniture purchased during the 1922-1932 construction of  
the Capitol, thus establishing the Nebraska Capitol Collections; and

WHEREAS, Mr. Kaspar established and maintained the Capitol Original  
Furniture Inventory as part of the Nebraska Capitol Collections and worked  
with the Capitol's carpentry staff to repair and restore Capitol original  
furniture and make it available for use by the Legislature and other  
occupants of the Capitol; and

WHEREAS, Mr. Kaspar was instrumental in developing a state-of-the-art  
archive as an important part of the Nebraska Capitol Collections, which  
houses thousands of documents, including drawings and correspondence

associated with the original construction of the Capitol. Preservation architects rely on the archive to provide important documentation supporting the accurate restoration of the Capitol; and

WHEREAS, Mr. Kaspar oversaw the restoration of the East Chamber, renamed the Warner Legislative Chamber, as it was being renovated to support the work of the Warner Institute for Education in Democracy; and

WHEREAS, Mr. Kaspar led the team which cleaned and restored the George W. Norris Legislative Chamber and Senators' Lounge, bringing the Chamber and Lounge back to their original condition and enhancing their beauty and function; and

WHEREAS, Mr. Kaspar has overseen the restoration of numerous legislative offices and chambers, including the restoration of the original office of the Speaker of the House.

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

1. That the Legislature recognizes the lifetime dedication to conservation and restoration of Mr. Thomas Lee Kaspar, which greatly enhanced the dignity of the environment in which the Nebraska Unicameral Legislature works.

2. That a copy of this resolution be sent to the family of Mr. Thomas Lee Kaspar.

Laid over.

#### **ANNOUNCEMENT(S)**

Senator Crawford designates LB225 as her priority bill.

#### **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>

#### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 8, 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

Allen, Brian  
Helios  
Heartland Strategy Group, LLC  
DraftKings Inc.

Kravitz, Gabriel  
 Pew Charitable Trusts, The  
 McCabe, Lisa  
 CTIA - The Wireless Association  
 Schuler, James  
 ACTWireless

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 51, 52, 53, 54, and 55 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 51, 52, 53, 54, and 55.

**GENERAL FILE**

**LEGISLATIVE BILL 407.** Title read. Considered.

Committee AM140, found on page 533, was offered.

Senator Pansing Brooks moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

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

The Chair declared the call raised.

Senator Pansing Brooks offered her amendment, AM528, found on page 639.

Senator Pansing Brooks moved for a call of the house. The motion prevailed with 44 ayes, 0 nays, and 5 not voting.

Senator Pansing Brooks requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 27:

Albrecht	Erdman	Hughes	McDonnell	Walz
Baker	Friesen	Kolterman	Pansing Brooks	Watermeier
Brasch	Geist	Kuehn	Scheer	Williams
Brewer	Groene	Lindstrom	Schumacher	
Briese	Halloran	Linehan	Smith	
Clements	Hansen	Lowe	Stinner	

Voting in the negative, 10:

Blood	Howard	Krist	Quick	Wayne
Chambers	Kolowski	Morfeld	Vargas	Wishart

Present and not voting, 8:

Craighead	Ebke	Hilkemann	Murante
Crawford	Harr	McCollister	Riepe

Excused and not voting, 4:

Bolz	Bostelman	Hilgers	Larson
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The Pansing Brooks amendment was adopted with 27 ayes, 10 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 42:

Albrecht	Crawford	Hughes	McDonnell	Vargas
Baker	Ebke	Kolowski	Morfeld	Walz
Blood	Erdman	Kolterman	Murante	Watermeier
Brasch	Friesen	Krist	Pansing Brooks	Wayne
Brewer	Geist	Kuehn	Quick	Williams
Briese	Groene	Lindstrom	Scheer	Wishart
Chambers	Halloran	Linehan	Schumacher	
Clements	Hansen	Lowe	Smith	
Craighead	Howard	McCollister	Stinner	

Voting in the negative, 0.

Present and not voting, 2:

Hilkemann	Riepe
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Excused and not voting, 5:

Bolz	Bostelman	Harr	Hilgers	Larson
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Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

**COMMITTEE REPORT(S)**  
Urban Affairs

**LEGISLATIVE RESOLUTION 16CA.** Placed on General File.

**LEGISLATIVE BILL 597.** Indefinitely postponed.

(Signed) Justin Wayne, Chairperson

**ANNOUNCEMENT(S)**

Senator Morfeld designates LB641 as his priority bill.

The Agriculture Committee designates LB276 as its priority bill.

Senator Kolowski designates LB484 as his priority bill.

Senator Larson designates LB291 as his priority bill.

Senator Stinner designates LB233 as his priority bill.

The Revenue Committee designates LB217 as its priority bill.

Senator Schumacher designates LB268 as his priority bill.

Senator Murante designates LR1CA as his priority resolution.

The Government, Military and Veterans Affairs Committee designates LB644 and LB451 as its priority bills.

Senator Groene designates LB595 as his priority bill.

Senator Brasch designates LB338 as her priority bill.

**AMENDMENT(S) - Print in Journal**

Senator McCollister filed the following amendment to LB350:  
AM382

1 1. On page 3, strike beginning with the underscored comma in line 14  
2 through "law" in line 15; and in line 16 strike "does" and insert "he or  
3 she should consult with an attorney regarding the effect of the order  
4 on".

5 2. On page 4, line 26, after the underscored semicolon insert "or";  
6 in line 28 strike "or" and insert an underscored period; and strike  
7 lines 29 and 30.

**SPEAKER SCHEER PRESIDING**

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 48, 49, and 50 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 48, 49, and 50.

**GENERAL FILE**

**LEGISLATIVE BILL 368.** Title read. Considered.

Senator Hilkemann offered his amendment, AM503, found on page 661.

Pending.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 62.** Introduced by Geist, 25.

WHEREAS, the Lincoln Christian High School girls' basketball team won the 2017 Class C-1 Girls' State Basketball Championship; and

WHEREAS, the Crusaders won against the previously undefeated Kearney Catholic Stars in the final minutes of the title game with a score of 45-41; and

WHEREAS, this is the first championship win for the Lincoln Christian girls' basketball team since 2002; and

WHEREAS, Head Coach Nick Orduna guided the team to a final season record of 26-1; 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 Christian High School girls' basketball team on winning the Class C-1 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Crusaders and Coach Nick Orduna.

Laid over.

**AMENDMENT(S) - Print in Journal**

Senator Williams filed the following amendment to LB140:

AM437

1 1. Strike original section 36 and insert the following new sections:

2 Sec. 36. Section 8-139, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 8-139 (1) No loan or investment shall be made by a bank, directly

5 or indirectly, without the approval of an active executive officer.

6 (2) Executive officers of banks shall be persons of good moral

7 character, known integrity, business experience and responsibility, and

8 be capable of conducting the affairs of a bank on sound banking

9 principles.

10 (3) Except as provided in subsection (6) of this section, no ~~no~~

11 person shall act as an active executive officer of any bank until such

12 bank ~~has applied shall apply~~ for and ~~obtained obtain~~ from the department  
13 a license for such person to ~~so~~ act as an active executive officer. If  
14 the ~~director department~~, upon investigation, ~~is shall be~~ satisfied that  
15 any active executive officer of a bank is conducting ~~the its~~ business of  
16 ~~the bank~~ in an unsafe or unauthorized manner, or is endangering the  
17 interests of the stockholders or depositors of the bank, the department  
18 ~~may shall have authority~~ to revoke ~~the such~~ license of such active  
19 executive officer or suspend the ability of such active executive officer  
20 to continue to act as an active executive officer.

21 (4) Any person (a) whose license has been revoked or whose authority  
22 has been suspended by the department under subsection (3) of this section  
23 or who lacks a license and on whose behalf no election was made under  
24 subsection (6) of this section and (b) who ~~acts or attempts shall act or~~  
25 ~~attempt~~ to act as an active executive officer of a ~~any~~ bank ~~is ,except~~  
26 ~~under a license from the department, or anyone who shall permit or assist~~  
27 ~~such person to act or attempt to act as such, shall be guilty of a Class~~  
1 III felony.

2 (5) As part of any order of revocation or suspension under  
3 subsection (3) of this section, the director may levy a civil penalty  
4 against the active executive officer personally in an amount not to  
5 exceed ten thousand dollars. The civil penalty shall not be paid out of  
6 the assets of the bank in which the active executive officer is employed  
7 or otherwise performing services pursuant to contract. The department  
8 shall remit the civil penalty collected to the State Treasurer for  
9 distribution in accordance with Article VII, section 5, of the  
10 Constitution of Nebraska. Any person whose authority has been revoked or  
11 suspended with prejudice under this section shall not be eligible to act  
12 as an executive officer at any other bank without authorization to do so  
13 from the department. ~~The department may make and enforce reasonable~~  
14 ~~regulations and prescribe forms to be used to carry out the intent of~~  
15 ~~this section.~~

16 (6) A bank has the right, on or after the operative date of this  
17 section, to elect for its active executive officers to be exempt from the  
18 requirement to apply for and obtain a license from the department. An  
19 election, once made, shall remain in effect with respect to all active  
20 executive officers of the bank until and unless the election is revoked  
21 by the bank. An election or revocation shall be made in a form and manner  
22 established by the department. Within thirty days after revoking such  
23 election, such bank shall apply for and obtain from the department a  
24 license for any person acting or desiring to act as an active executive  
25 officer of the bank.

26 (7) For purposes of this section, active executive officer means any  
27 employee of a bank or any person under contract to perform services for a  
28 bank who is determined by the department to be a policy-dominant  
29 individual in the bank or who exercises (a) management functions, (b)  
30 major policymaking functions, or (c) substantial employee supervision,  
31 including the power to terminate employment. An active executive officer  
1 includes, but is not limited to, a president, a vice-president, a  
2 cashier, an assistant cashier, a chief executive officer, a loan officer,



3 or an investment officer.

4 (8) The director may adopt and promulgate rules and regulations and  
5 prescribe forms to be used to carry out the intent of this section.

6 Sec. 130. Section 8-1,140, Revised Statutes Cumulative Supplement,  
7 2016, is amended to read:

8 8-1,140 Notwithstanding any of the other provisions of the Nebraska  
9 Banking Act or any other Nebraska statute, any bank incorporated under  
10 the laws of this state and organized under the provisions of the act, or  
11 under the laws of this state as they existed prior to May 9, 1933, shall  
12 directly, or indirectly through a subsidiary or subsidiaries, have all  
13 the rights, powers, privileges, benefits, and immunities which may be  
14 exercised as of January 1, ~~2017~~ 2016, by a federally chartered bank doing  
15 business in Nebraska, including the exercise of all powers and activities  
16 that are permitted for a financial subsidiary of a federally chartered  
17 bank. Such rights, powers, privileges, benefits, and immunities shall not  
18 relieve such bank from payment of state taxes assessed under any  
19 applicable laws of this state.

20 Sec. 134. Section 8-355, Revised Statutes Cumulative Supplement,  
21 2016, is amended to read:

22 8-355 Notwithstanding any of the provisions of Chapter 8, article 3,  
23 or any other Nebraska statute, except as provided in section 8-345.02,  
24 any association incorporated under the laws of the State of Nebraska and  
25 organized under the provisions of such article shall have all the rights,  
26 powers, privileges, benefits, and immunities which may be exercised as of  
27 January 1, ~~2017~~ 2016, by a federal savings and loan association doing  
28 business in Nebraska. Such rights, powers, privileges, benefits, and  
29 immunities shall not relieve such association from payment of state taxes  
30 assessed under any applicable laws of this state.

31 Sec. 148. Section 21-1770, Reissue Revised Statutes of Nebraska, is  
1 amended to read:

2 21-1770 The chief executive officer or the credit committee may  
3 apply to the department on forms supplied by the department for the  
4 licensing of one or more loan officers in order to delegate to such loan  
5 officers the power to approve loans and disburse loan funds up to the  
6 limits and according to policies established by the credit committee, if  
7 any, and in the absence of a credit committee, the board of directors.  
8 Such application shall include information deemed necessary by the  
9 department and shall be signed by the entire credit committee, if any,  
10 and in the absence of a credit committee, the entire board of directors,  
11 as well as the new loan officer seeking a license. No person shall act in  
12 the capacity of loan officer for more than thirty days until approved by  
13 the department unless the credit union has elected to opt out of  
14 licensing loan officers on forms supplied by the department.

15 Sec. 149. Section 21-17,115, Revised Statutes Cumulative Supplement,  
16 2016, is amended to read:

17 21-17,115 Notwithstanding any of the other provisions of the Credit  
18 Union Act or any other Nebraska statute, any credit union incorporated  
19 under the laws of the State of Nebraska and organized under the  
20 provisions of the act shall have all the rights, powers, privileges,

21 benefits, and immunities which may be exercised as of January 1, 2017  
 22 ~~2016~~, by a federal credit union doing business in Nebraska on the  
 23 condition that such rights, powers, privileges, benefits, and immunities  
 24 shall not relieve such credit union from payment of state taxes assessed  
 25 under any applicable laws of this state.

26 Sec. 160. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,  
 27 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32,  
 28 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50,  
 29 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68,  
 30 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86,  
 31 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103,  
 1 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117,  
 2 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 132,  
 3 133, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147,  
 4 148, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 161, and 163 of  
 5 this act become operative three calendar months after the adjournment of  
 6 this legislative session. The other sections of this act become operative  
 7 on their effective date.

8 Sec. 162. Original sections 8-1,140, 8-355, and 21-17,115, Revised  
 9 Statutes Cumulative Supplement, 2016, are repealed.

10 Sec. 164. Since an emergency exists, this act takes effect when  
 11 passed and approved according to law.

12 2. On page 142, lines 9 and 10 strike "effective date of this act"  
 13 and insert "operative date of this section"; remove underscoring in lines  
 14 9 through 13; and in line 28 after the first comma insert "21-1770,".

15 3. Renumber the remaining sections and correct internal references  
 16 accordingly.

Senator Hilkemann filed the following amendment to LB368:

FA43

Amend AM503

Strike "sixteen" and insert "twelve".

#### ANNOUNCEMENT(S)

The Appropriations Committee designates LB611 and LB356 as its priority bills.

The Health and Human Services Committee designates LB333 and LB335 as its priority bills.

Senator Riepe designates LB417 as his priority bill.

Senator Hilkemann designates LB91 as his priority bill.

Senator Linehan designates LB651 as her priority bill.

Senator Erdman designates LB432 as his priority bill.

Contingent upon the adoption of the permanent rules, the Legislature's Planning Committee designates LB373 as its priority bill.

Senator Bostelman designates LB144 as his priority bill.

Senator Krist designates LB9 as his priority bill.

Senator Wayne designates LB75 as his priority bill.

Senator Vargas designates LB427 as his priority bill.

Senator Friesen designates LB640 as his priority bill.

#### **ANNOUNCEMENT(S)**

Senator Riepe announced the Health and Human Services Committee will meet March 17, 2017, at 2:00 p.m. instead of 1:30 p.m. in Room 1510.

#### **COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 40.** Indefinitely postponed.

(Signed) Curt Friesen, Chairperson

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Briese name added to LB518.

#### **VISITOR(S)**

Visitors to the Chamber were Senator Pansing Brooks' husband and daughter, Loel Brooks and Avary Pansing Brooks, from Lincoln; 30 preschool through middle school students from Sola Fide, Lincoln; 65 students and teachers from Lincoln High; Alyssa Ehler from the University of Nebraska; 40 fourth-grade students from Pershing Elementary, Lexington; and former Senator Dave Bloomfield and his wife Dee Boeckenhauer from Hoskins.

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

#### **ADJOURNMENT**

At 11:54 a.m., on a motion by Senator Howard, the Legislature adjourned until 10:00 a.m., Monday, March 13, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-FIFTH DAY - MARCH 13, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 13, 2017

**PRAYER**

The prayer was offered by Pastor Steve Todd, Faith Westwood United Methodist Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Bolz, Friesen, McCollister, Morfeld, Murante, and Stinner who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fourth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 407.** Placed on Select File with amendment.  
ER18

(Amendments to Standing Committee amendments, AM140)

- 1 1. On page 1, line 4, insert an underscored comma after
- 2 "Legislature".

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**

Health and Human Services

**LEGISLATIVE BILL 336.** Placed on General File with amendment.  
AM462

- 1 1. On page 2, line 16, strike "not exceed three dollars" and insert
- 2 "be at least five dollars and not more than ten dollars for each request
- 3 to check the records of the central registry. The department shall not

4 charge a fee for any such request by a child-placing agency as defined in  
 5 section 71-1926 for purposes of placement of a child in foster care as  
 6 defined in section 71-1901".

(Signed) Merv Riepe, Chairperson

**COMMUNICATION**

March 9, 2017

Patrick O'Donnell  
 Clerk of the Legislature  
 State Capitol  
 Lincoln, NE 68509

Dear Mr. Clerk:

As Chairperson of the Special Committee regarding the Election Challenge to the Qualification of Senator Ernie Chambers filed by Mr. John Sciara, I hereby file with your office an *Order on Jurisdiction*, adopted by the Special Committee on March 9, 2017. This *Order on Jurisdiction* has been sent to both parties, pursuant to Rule 10, Sec. 4(c).

Sincerely,  
 (Signed) Senator Dan Watermeier  
 Chairman, Special Committee

C: Members of the Special Committee

Enclosure - *Order on Jurisdiction*

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 56 and 57 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 56 and 57.

**GENERAL FILE**

**LEGISLATIVE BILL 368.** Senator Hilkemann renewed his amendment, AM503, found on page 661 and considered on page 679.

Pending.

**COMMITTEE REPORT(S)**

## Agriculture

**LEGISLATIVE BILL 449.** Placed on General File with amendment.

AM536

- 1 1. Strike original sections 1 and 2.
- 2 2. Renumber the remaining section accordingly.

(Signed) Lydia Brasch, Chairperson

Health and Human Services

**LEGISLATIVE BILL 282.** Placed on General File.

**LEGISLATIVE BILL 335.** Placed on General File.

**LEGISLATIVE BILL 334.** Indefinitely postponed.

(Signed) Merv Riepe, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 63.** Introduced by Walz, 15;  
Bostelman, 23.

WHEREAS, the Howells-Dodge High School girls' basketball team won the 2017 Class C-2 Girls' State Basketball Championship; and

WHEREAS, the Jaguars defeated the Diller-Odell Griffins in the title game with a score of 39-30; and

WHEREAS, this is the first championship win for the Howells-Dodge Jaguars girls' basketball team since the former Howells and Dodge high schools consolidated; and

WHEREAS, Howells-Dodge moved from Class D-1 to Class C-2 this season; and

WHEREAS, Head Coach Scott Polacek guided the team to a final record of 25-3 for the 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 Howells-Dodge High School girls' basketball team on winning their first state championship.
2. That a copy of this resolution be sent to the Jaguars and Coach Scott Polacek.

Laid over.

**LEGISLATIVE RESOLUTION 64.** Introduced by Brasch, 16.

WHEREAS, the West Point Guardian Angels Central Catholic High School girls' basketball team won the 2017 Class D-1 Girls' State Basketball Championship; and

WHEREAS, the Bluejays won against the previously undefeated Dundy County-Stratton Tigers with a score of 53-50 in the second double-overtime final in the history of the girls' state basketball tournament; and

WHEREAS, this is the sixth championship win for the Guardian Angels girls' basketball team; and

WHEREAS, Head Coach Jerry Stracke guided the team to a regular season record of 21-2; 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 West Point Guardian Angels Central Catholic High School girls' basketball team on winning their sixth state championship.

2. That a copy of this resolution be sent to the Bluejays and Coach Jerry Stracke.

Laid over.

**ANNOUNCEMENT(S)**

Speaker Scheer designates LBs 35, 97, 98, 137, 151, 152, 166, 172, 180, 253, 257, 267, 296, 300, 317, 323, 346, 389, 478, 481, 509, 605, 628, 639, and 647 as Speaker priority bills.

**AMENDMENT(S) - Print in Journal**

Senator Riepe filed the following amendment to LB92:

AM609

1 1. Insert the following new sections:

2 Sec. 2. Section 71-8509, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4 71-8509 (1) The Department of Health and Human Services shall adopt  
5 and promulgate rules and regulations providing for telehealth services  
6 for children's behavioral health. Such rules and regulations relate  
7 specifically to children's behavioral health and are in addition to the  
8 Nebraska Telehealth Act.

9 For purposes of sections 71-8509 to 71-8512, child means a person  
10 under nineteen years of age.

11 (2) The rules and regulations required pursuant to subsection (1) of  
12 this section shall include, but not be limited to:

13 (a) An appropriately trained staff member or employee familiar with  
14 the child's treatment plan or familiar with the child shall be



15 immediately available in person to the child receiving a telehealth  
 16 behavioral health service in order to attend to any urgent situation or  
 17 emergency that may occur during provision of such service. This  
 18 requirement may be waived by the child's parent or legal guardian; and  
 19 (b) In cases in which there is a threat that the child may harm  
 20 himself or herself or others, before an initial telehealth service the  
 21 health care practitioner shall work with the child and his or her parent  
 22 or guardian to develop a safety plan. Such plan shall document actions  
 23 the child, the health care practitioner, and the parent or guardian will  
 24 take in the event of an emergency or urgent situation occurring during or  
 25 after the telehealth session. Such plan may include having a staff member  
 26 or employee familiar with the child's treatment plan immediately  
 27 available in person to the child, if such measures are deemed necessary  
 1 by the team developing the safety plan; ~~and~~  
 2 ~~(c) Services provided by means of telecommunications technology,~~  
 3 ~~other than telehealth behavioral health services received by a child, are~~  
 4 ~~not covered if the child has access to a comparable service within thirty~~  
 5 ~~miles of his or her place of residence.~~  
 6 Sec. 4. Original section 71-8509, Revised Statutes Cumulative  
 7 Supplement, 2016, is repealed.  
 8 2. Renumber the remaining section and correct internal references  
 9 accordingly.

Senator Wishart filed the following amendment to LB622:  
 AM496 is available in the Bill Room.

#### COMMUNICATION(S)

Received a copy of House Joint Resolution No. 2 from the state of Wyoming relating to petitioning Congress to call a convention to propose amendments to the Constitution of the United States to require a balanced federal budget.

#### GENERAL FILE

**LEGISLATIVE BILL 368.** The Hilkemann amendment, AM503, found on page 661 and considered on page 679 and in this day's Journal, was renewed.

Senator Hilkemann withdrew his amendment, FA43, found on page 682.

Pending.

#### SELECT FILE

**LEGISLATIVE BILL 18.** ER6, found on page 524, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 18A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 19.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 29.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 94.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 8.** ER9, found on page 552, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 85.** ER11, found on page 556, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 99.** ER13, found on page 584, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 184.** ER15, found on page 595, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 185.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 186.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 203.** ER12, found on page 583, was adopted.

Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT(S)**  
Judiciary

**LEGISLATIVE BILL 191.** Placed on General File.

**LEGISLATIVE BILL 394.** Placed on General File.

**LEGISLATIVE BILL 478.** Placed on General File.

**LEGISLATIVE BILL 178.** Placed on General File with amendment.  
AM523 is available in the Bill Room.

**LEGISLATIVE BILL 188.** Placed on General File with amendment.

AM527

- 1 1. On page 4, line 6; and page 6, line 4, strike "If" and insert  
 2 "Except as otherwise provided in the Nebraska Indian Child Welfare Act,  
 3 if".  
 4 2. On page 4, line 8, after "section" insert "28-319 or".  
 5 3. On page 6, line 8, strike "mother" and insert "parent"; in lines  
 6 8 and 26 after "section" insert "28-319 or"; strike beginning with "been"  
 7 in line 9 through "child" in line 10 and insert "fathered the child or  
 8 given birth to the child"; in line 25, strike "shall" and insert "may";  
 9 and strike beginning with "If" in line 27 through line 31.  
 10 4. On page 8, line 1, strike "No", show as stricken, and insert  
 11 "Except as otherwise provided in the Nebraska Indian Child Welfare Act,  
 12 no"; and in line 4 strike the new matter and insert "unless the custodial  
 13 parent or guardian, as defined in section 43-245, consents".

**LEGISLATIVE BILL 487.** Placed on General File with amendment.

AM568 is available in the Bill Room.

**LEGISLATIVE BILL 509.** Placed on General File with amendment.

AM357

- 1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 25-1223, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 25-1223 (1) Upon the request of a party to a civil action or  
 6 proceeding, a subpoena may be issued to command an individual to testify  
 7 at a trial or deposition. The term trial in reference to a subpoena  
 8 includes a hearing at which testimony may be taken.  
 9 (2) The clerk or a judge of the court in which the action or  
 10 proceeding is pending shall issue a trial subpoena upon the request of a  
 11 party. An attorney, as an officer of the court, may issue and sign a  
 12 trial subpoena on behalf of the court if the attorney is authorized to  
 13 practice in the court. An attorney who issues a subpoena must file a copy  
 14 of the subpoena with the court on the day the subpoena is issued.  
 15 (3) A person before whom a deposition may be taken may issue a  
 16 deposition subpoena on behalf of the court in which the action or  
 17 proceeding is pending. An attorney, as an officer of the court, may issue  
 18 and sign a deposition subpoena on behalf of the court if the attorney is  
 19 authorized to practice in the court.  
 20 (4) A subpoena shall state the name of the court from which it is  
 21 issued, the title of the action, and the case number and shall command  
 22 each person to whom it is directed to appear and testify at the time and  
 23 place specified in the subpoena.  
 24 (5) A trial subpoena that is issued in a civil action or proceeding  
 25 (a) at the request of an agency of state government or (b) pursuant to  
 26 section 25-2304 shall contain the following statement: As a witness in  
 27 [insert name of court], you are entitled to receive a witness fee in the  
 1 amount of [insert amount from section 33-139] for each day that you are

2 required to be in court and, if you live more than one mile from the  
 3 courthouse, you are also entitled to receive mileage at the rate that  
 4 state employees receive. Ask the lawyer or party who subpoenaed you or  
 5 the clerk of the court for information about what you should do to  
 6 receive the fees and mileage to which you are entitled.

7 (6) Any other trial subpoena in a civil action or proceeding shall  
 8 contain the following statement: As a witness in [insert name of court],  
 9 you are entitled to receive a witness fee in the amount of [insert amount  
 10 from section 33-139] for each day that you are required to be in court  
 11 and, if you live more than one mile from the courthouse, you are also  
 12 eligible to receive mileage at the rate that state employees receive. You  
 13 should have received your witness fee for one day with this subpoena. Ask  
 14 the lawyer or party who subpoenaed you or the clerk of the court for  
 15 information about what you should do to receive the additional fees, if  
 16 any, and mileage to which you are entitled.

17 (7) The Supreme Court may promulgate forms for subpoenas for use in  
 18 civil and criminal actions and proceedings. Any such forms shall not be  
 19 in conflict with the laws governing such matters.

20 (8) A subpoena may be served by a sheriff or constable. It may also  
 21 be served by a person who is twenty-one years of age or older and who is  
 22 not a party to the action or proceeding.

23 ~~The clerks of the several courts and judges of the county courts~~  
 24 ~~shall on application of any person having a cause or any matter pending~~  
 25 ~~in court, issue a subpoena for witnesses under the seal of the court,~~  
 26 ~~inserting all the names required by the applicant in one subpoena, which~~  
 27 ~~may be served by any person not interested in the action, or by the~~  
 28 ~~sheriff, coroner or constable; but when served by any person other than a~~  
 29 ~~public officer, proof of service shall be shown by affidavit, but no~~  
 30 ~~costs of serving the same shall be allowed, except when served by an~~  
 31 ~~officer.~~

1 Sec. 2. Section 25-1224, Reissue Revised Statutes of Nebraska, is  
 2 amended to read:

3 25-1224 (1) A subpoena commanding an individual to appear and  
 4 testify at a trial or deposition may command that at the same time and  
 5 place specified in the subpoena for the individual to appear and testify,  
 6 the individual must produce designated documents, electronically stored  
 7 information, or tangible things in the individual's possession, custody,  
 8 or control. The scope of a command to produce documents, electronically  
 9 stored information, or tangible things pursuant to this section is  
 10 governed by the rules of discovery in civil cases.

11 (2) The Supreme Court may promulgate a rule for discovery in civil  
 12 cases that specifies the procedures to be followed when a party seeks to  
 13 serve a deposition subpoena that commands the individual to produce  
 14 designated documents, electronically stored information, or tangible  
 15 things in the individual's possession, custody, or control. Any such rule  
 16 shall not conflict with the laws governing such matters.

17 ~~The subpoena shall be directed to the person therein named,~~  
 18 ~~requiring him to attend at a particular time and place, to testify as a~~  
 19 ~~witness; and it may contain a clause directing a witness to bring with~~

20 ~~him any book, writing or other thing under his control, which he is bound~~  
21 ~~by law to produce as evidence.~~

22 Sec. 3. Section 25-1226, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 25-1226 (1) A subpoena for a trial or deposition may be served by  
25 personal service, which is made by leaving the subpoena with the  
26 individual to be served, or by certified mail service, which is made by  
27 sending the subpoena by certified mail with a return receipt requested  
28 showing to whom and where delivered and the date of delivery. Service by  
29 certified mail is made on the date of delivery shown on the signed  
30 receipt.

31 (2) A subpoena for a trial must be served at least two days before  
1 the day on which the individual is commanded to appear and testify. A  
2 court may shorten the period for service for good cause shown. In  
3 determining whether good cause exists, a court may consider all relevant  
4 circumstances, including, but not limited to, the need for the testimony,  
5 the burden on the individual, and the reason why the individual was not  
6 subpoenaed earlier.

7 ~~The subpoena shall be served either (1) personally or (2) by mailing~~  
8 ~~a copy thereof by either registered or certified mail not less than six~~  
9 ~~days before the trial day of the cause upon which said witness is~~  
10 ~~required to attend. The person making such service shall make a return~~  
11 ~~thereof showing the manner of service.~~

12 Sec. 4. Section 25-1228, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 25-1228 (1) The witness fee for one day's attendance must be served  
15 with a trial subpoena except when the subpoena is issued (a) at the  
16 request of an agency of state government or (b) pursuant to section  
17 25-2304.

18 (2) The person serving the subpoena shall make a return of service  
19 stating the name of the individual served, the date and method of  
20 service, and, if applicable, that the required witness fee was served  
21 with the subpoena. The return of service must be by affidavit unless the  
22 subpoena was served by a sheriff or constable. If service was made by  
23 certified mail, the signed receipt must be attached to the return of  
24 service.

25 (3) The cost of service of a subpoena is taxable as a court cost,  
26 and when service of a subpoena is made by a person other than a sheriff  
27 or constable, the cost taxable as a court cost is the lesser of the  
28 actual amount incurred for service of process or the statutory fee set  
29 for sheriffs in section 33-117.

30 (4) Except as provided in section 25-2304, the party at whose  
31 request a trial subpoena is issued in a civil action or proceeding must  
1 pay the witness the fees and mileage to which the witness is entitled  
2 under section 33-139. Any fees and mileage that were not paid to the  
3 witness before the witness testified must be paid to the witness within a  
4 reasonable time after the witness testified.

5 (1) ~~Except as provided in subsection (2) of this section, a witness~~  
6 ~~may demand his traveling fees, and fee for one day's attendance, when the~~

7 subpoena is served upon him, and if the same be not paid the witness  
8 shall not be obliged to obey the subpoena. The fact of such demand and  
9 nonpayment shall be stated in the return.

10 (2) When a subpoena is issued at the request of any agency of state  
11 government, the witness shall not be entitled to demand his traveling  
12 fees and fee for one day's attendance but shall be required to obey the  
13 subpoena if, at the time of service upon him, he is furnished a statement  
14 prepared by the agency advising him of the rate of travel fees allowable,  
15 the fee for each day's attendance pursuant to the subpoena, and that he  
16 will be paid at such rates following his attendance.

17 Sec. 5. Section 29-1901, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 29-1901 (1) The statutes governing subpoenas in civil actions and  
20 proceedings shall also govern subpoenas in traffic and criminal cases,  
21 except that subsections (1), (3), and (4) of section 25-1228 shall not  
22 apply to those cases. The payment of compensation and mileage to  
23 witnesses in those cases shall be governed by section 29-1903.

24 (2) A trial subpoena in a traffic and criminal case shall contain  
25 the statement specified in subsection (5) of section 25-1223.

26 (1) In all criminal cases it shall be the duty of the clerk, upon a  
27 praecipe being filed, to issue writs of subpoena for all witnesses named  
28 in the praecipe, directed to the sheriff of his or her county or of any  
29 county in the state where the witnesses reside or may be found, which  
30 shall be served and returned as in other cases. Such sheriff, by writing  
31 endorsed on such writs, may depute any disinterested person to serve and  
1 return the same. The writs of subpoena and all notices to appear shall  
2 include the following or substantially similar language: You may be  
3 entitled to compensation for witness fees and mileage for each day  
4 actually employed in attendance on the court or grand jury.

5 (2) A witness in a traffic, criminal, or juvenile case shall be  
6 entitled to a witness fee and mileage after appearing in court in  
7 response to a subpoena. The clerk of the court shall immediately submit a  
8 claim for payment of witness fees and mileage on behalf of all such  
9 witnesses to the county clerk in cases involving a violation of state law  
10 or to the city clerk in cases in violation of a city ordinance. All  
11 witness fees and mileage paid by a defendant as part of the court costs  
12 ordered by the court to be paid shall be reimbursed to the county or city  
13 treasurer as appropriate.

14 Sec. 6. Section 29-1903, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 29-1903 (1) The amount of the witness fee and mileage in traffic,  
17 criminal, and juvenile cases is governed by section 33-139.

18 (2) A witness in a traffic, criminal, or juvenile case shall be  
19 entitled to a witness fee and mileage after appearing in court in  
20 response to a subpoena. The clerk of the court shall immediately submit a  
21 claim for payment of witness fees and mileage on behalf of all such  
22 witnesses to the county clerk in cases involving a violation of state law  
23 or to the city clerk in cases involving a violation of a city ordinance.  
24 All witness fees and mileage paid by a defendant as part of the court

25 costs ordered by the court to be paid shall be reimbursed to the county  
 26 or city treasurer as appropriate.  
 27 ~~(3) Any person accused of crime amounting to a misdemeanor or felony~~  
 28 ~~shall have compulsory process to enforce the attendance of witnesses in~~  
 29 ~~his or her behalf, and they shall be paid for their mileage and per diem~~  
 30 ~~the same fees as are now or may hereafter be allowed by law to witnesses~~  
 31 ~~for the state in the prosecution of such accused person. Mileage shall be~~  
 1 ~~computed at the rate provided in section 81-1176 for state employees. In~~  
 2 ~~case such accused person is convicted and is unable to pay such mileage~~  
 3 ~~and per diem to any witnesses, they shall be paid out of the county~~  
 4 ~~treasury of the county wherein such crime was committed; and in case such~~  
 5 ~~accused person is acquitted upon his or her trial, the fees of his or her~~  
 6 ~~witnesses shall be likewise paid out of such county treasury; Provided,~~  
 7 ~~however, in no case shall the fees of any such witnesses be so paid,~~  
 8 ~~unless before the trial of such accusations such accused person shall~~  
 9 ~~make and file an affidavit, stating the names of his or her witnesses,~~  
 10 ~~and that he or she has made a statement to his or her counsel of the~~  
 11 ~~facts he or she expects to prove by such witnesses, and has been advised~~  
 12 ~~by such counsel that their testimony is material on the trial of such~~  
 13 ~~accusation, and shall also file an affidavit of such counsel that he or~~  
 14 ~~she deems the testimony of such witnesses necessary and material on~~  
 15 ~~behalf of such accused person; whereupon the court or judge shall make an~~  
 16 ~~order directing that such witnesses, not exceeding fifteen in number, be~~  
 17 ~~paid out of the county treasury of the county in which accusations shall~~  
 18 ~~be made.~~  
 19 Sec. 7. Original sections 25-1223, 25-1224, 25-1226, 25-1228,  
 20 29-1901, and 29-1903, Reissue Revised Statutes of Nebraska, are repealed.  
 21 Sec. 8. The following sections are outright repealed: Sections  
 22 25-1225 and 25-1236, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 589.** Placed on General File with amendment.  
 AM438

1 1. On page 3, line 12, after the second comma insert "court  
 2 appointed special advocate,"; and in line 13 after "proceedings" insert  
 3 "or a service or therapy animal".

(Signed) Laura Ebke, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Wayne name added to LB389.

**VISITOR(S)**

Visitors to the Chamber were 5 legal process students and teacher from Southeast Community College, Lincoln; Gavin Terrano from Lincoln; Senator Hughes' wife, Josie, and his daughter, son-in-law, and grandchildren, Ashley, Tim, Brenna, Hanna, and Easton Colglazier from Grant; 15 twelfth-grade students and teacher from Wilcox-Hildreth; and guests of the U.S. Department of State International Visitor Leadership Program from the Near East and North Africa.

The Doctor of the Day was Dr. Bauer from Lincoln.

**ADJOURNMENT**

At 11:53 a.m., on a motion by Senator Watermeier, the Legislature adjourned until 9:00 a.m., Tuesday, March 14, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-SIXTH DAY - MARCH 14, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 14, 2017

**PRAYER**

The prayer was offered by Senator Lindstrom.

**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 Senators Bolz, Groene, Hansen, Kuehn, Larson, Morfeld, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fifth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 18.** Placed on Final Reading.  
**LEGISLATIVE BILL 18A.** Placed on Final Reading.  
**LEGISLATIVE BILL 19.** Placed on Final Reading.  
**LEGISLATIVE BILL 29.** Placed on Final Reading.  
**LEGISLATIVE BILL 94.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

March 13, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Power Review Board:

Michael Metzler, 3862 S. 117 Avenue, Omaha, NE 68130  
Greg Moen, 2704 Park Way, Norfolk, NE 68701

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 65.** Introduced by Watermeier, 1.

WHEREAS, the Falls City Sacred Heart High School girls' basketball team are the champions of the 2017 Class D-2 Girls' State Basketball Tournament; and

WHEREAS, the 48-36 victory took place on March 4, 2017, at Pinnacle Bank Arena in Lincoln; and

WHEREAS, Head Coach Luke Santo guided the Falls City Sacred Heart Irish to a remarkable 27-1 season; and

WHEREAS, throughout the season the Irish have demonstrated that hard work, dedication, and discipline produce remarkable results; and

WHEREAS, the Irish are positive role models for young athletes in their community and throughout the region; and

WHEREAS, such a team achievement is made possible not only by the players' performance and coaching guidance, but also through the support of teachers, administrators, parents, and the community.

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

1. That the Legislature congratulates the Falls City Sacred Heart High School girls' basketball team and their coaches on winning the 2017 Class D-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Falls City Sacred Heart Irish girls' basketball team and Coach Luke Santo.

Laid over.

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR58 was adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR58.

### GENERAL FILE

**LEGISLATIVE BILL 368.** Senator Hilkemann renewed his amendment, AM503, found on page 661 and considered on pages 679, 686, and 689.

**SENATOR KRIST PRESIDING**

**SPEAKER SCHEER PRESIDING**

Pending.

### COMMITTEE REPORT(S)

Judiciary

**LEGISLATIVE BILL 268.** Placed on General File with amendment. AM618

1 1. On page 19, line 13, after "any" insert "assets, including, but  
2 not limited to, any security, bank account, intellectual property right,  
3 contractual or lease right.".

4 2. On page 20, line 15, after the period insert "The department's  
5 determination on commercial reasonableness may be appealed, and the  
6 appeal shall be in accordance with the Administrative Procedure Act.".

7 3. On page 31, strike lines 22 through 25 and insert the following  
8 new subdivision:

9 "(g) An action for recovery of the debt created under subsection (1)  
10 of this section may be brought by the department against the estate of a  
11 recipient of medical assistance as defined in subdivision (4)(b) of this  
12 section at any time before five years after the last of the following  
13 events:

14 (i) The death of the recipient of medical assistance;

15 (ii) The death of the recipient's spouse, if applicable;

16 (iii) The attainment of the age of twenty-one years by the youngest

17 of the recipient's minor children, if applicable; or  
 18 (iv) A determination that any adult child of the recipient is no  
 19 longer blind or totally and permanently disabled as defined by the  
 20 Supplemental Security Income criteria, if applicable."

(Signed) Laura Ebke, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Vargas filed the following amendment to LB163:  
 AM269

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

3 Section 1. Section 32-101, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:

5 32-101 Sections 32-101 to 32-1551 and section 2 of this act shall be  
 6 known and may be cited as the Election Act.

7 Sec. 2. The election commissioner in a county with a population of  
 8 more than one hundred thousand inhabitants shall provide additional  
 9 office hours during which ballots for early voting may be picked up or  
 10 returned pursuant to section 32-941 or registered voters of the county  
 11 may vote or pick up or return a ballot for early voting pursuant to  
 12 section 32-942. The additional hours shall be provided beginning at least  
 13 two weeks prior to the day of the election and shall include at least  
 14 four hours on each of the two Saturdays preceding the election and at  
 15 least five hours during each week of such two-week period in addition to  
 16 normal business hours on business days.

17 Sec. 3. Original section 32-101, Reissue Revised Statutes of  
 18 Nebraska, is repealed.

**GENERAL FILE**

**LEGISLATIVE BILL 368.** Senator Chambers offered the following  
 motion:

MO54

Bracket until March 15, 2017.

Senator Chambers withdrew his motion to bracket.

Pending.

**SENATOR HUGHES PRESIDING**

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 66.** Introduced by Scheer, 19.

WHEREAS, the Norfolk High School boys' basketball team won the 2017  
 Class A Boys' State Basketball Championship; and

WHEREAS, the Panthers won against the top-ranked Papillion-La Vista Monarchs with a score of 68-49; and

WHEREAS, this is the first Class A championship win for the Norfolk boys' basketball team since 1987 and the first championship win for a Class A team outside of the Omaha and Lincoln metro areas since 2002; and

WHEREAS, Coach Tony Siske guided the team to a record of 23-4 in his first season at Norfolk; 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 Norfolk High School boys' basketball team on winning their first state championship since 1987.

2. That a copy of this resolution be sent to the Panthers and Coach Tony Siske.

Laid over.

#### **AMENDMENT(S) - Print in Journal**

Senator Halloran filed the following amendment to LB447:

AM608

1 1. On page 1, strike the enacting clause.

#### **GENERAL FILE**

**LEGISLATIVE BILL 368.** The Hilkemann amendment, AM503, found on page 661 and considered on pages 679, 686, 689, and in this day's Journal, was renewed.

#### **SENATOR KRIST PRESIDING**

Senator Lowe offered the following motion:

MO53

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Lowe moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Lowe requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 32:

Albrecht	Craighead	Hilgers	Lowe	Stinner
Blood	Ebke	Hughes	McDonnell	Vargas
Brasch	Erdman	Kolterman	Morfeld	Wayne
Brewer	Friesen	Krist	Murante	Wishart
Briese	Geist	Kuehn	Riepe	
Chambers	Groene	Lindstrom	Scheer	
Clements	Halloran	Linehan	Smith	

Voting in the negative, 12:

Bolz	Hansen	Kolowski	Walz
Bostelman	Harr	McCollister	Watermeier
Crawford	Hilkemann	Pansing Brooks	Williams

Present and not voting, 4:

Baker	Howard	Quick	Schumacher
-------	--------	-------	------------

Excused and not voting, 1:

Larson

The Lowe motion to invoke cloture failed with 32 ayes, 12 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

### VISITOR(S)

Visitors to the Chamber were 10 students and sponsors from a home school group, Omaha; 30 Spirit of Nebraska Council Girl Scout members from across the state; 53 fourth-grade students from Cottonwood Elementary, Omaha; 9 twelfth-grade students and teacher from Arcadia; and 11 twelfth-grade students, teachers, and sponsors from Spalding Academy.

The Doctor of the Day was Dr. Hannah Christiansen from Omaha.

### ADJOURNMENT

At 11:51 a.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Wednesday, March 15, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-SEVENTH DAY - MARCH 15, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 15, 2017

**PRAYER**

The prayer was offered by Pastor Scott Jensen, Fremont Health Medical Center, Fremont.

**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 Senators Bolz, Groene, Harr, Hughes, Larson, McCollister, Stinner, Watermeier, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-sixth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 8.** Placed on Final Reading.

**LEGISLATIVE BILL 85.** Placed on Final Reading.

**LEGISLATIVE BILL 99.** Placed on Final Reading.

**LEGISLATIVE BILL 184.** Placed on Final Reading.

ST1

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 4, line 2, "an other" has been struck, the old matter shown as stricken, and "another" inserted.

**LEGISLATIVE BILL 185.** Placed on Final Reading.

**LEGISLATIVE BILL 186.** Placed on Final Reading.

**LEGISLATIVE BILL 203.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**  
Banking, Commerce and Insurance

**LEGISLATIVE BILL 480.** Placed on General File with amendment.  
AM566

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

2 Section 1. (1) For purposes of this section:

3 (a) Notwithstanding section 44-3,131, health insurance policy means

4 (i) any individual or group sickness and accident insurance policy or

5 subscriber contract delivered, issued for delivery, or renewed in this

6 state and any hospital, medical, or surgical expense-incurred policy,

7 except for a policy that provides coverage for a specified disease or

8 other limited-benefit coverage, and (ii) any self-funded employee benefit

9 plan to the extent not preempted by federal law;

10 (b) Jail means a city or county correctional or jail facility

11 operated by a political subdivision of the state;

12 (c) Pending disposition of charges means up until the time of

13 sentencing and shall not include any time after sentencing as may occur

14 due to appeals; and

15 (d) Temporary custody means in the custody of a jail pending

16 disposition of charges.

17 (2) Except as provided in subsection (4) of this section, an insurer

18 offering a health insurance policy may not (i) cancel the coverage of an

19 insured while the insured is in temporary custody on the basis of such

20 custody or (ii) deny coverage for any medical services or supplies

21 covered by the policy and received while the insured is in temporary

22 custody if such services or supplies were provided to the insured by an

23 employee or contractor of a jail who meets the credentialing criteria of

24 the health insurance policy.

25 (3) Except as set forth under section 47-704, an insurer offering a

26 health insurance policy shall pay claims for covered medical services or

27 supplies provided by an out-of-network health care provider to an insured

1 who is in temporary custody in an amount that is not less than one

2 hundred percent of the medicare rate for such services or supplies. The

3 political subdivision acting as an out-of-network provider shall notify

4 the insurer of the cost incurred by the insured while in temporary

5 custody.

6 (4) An insurer offering a health insurance policy may:

7 (a) Deny coverage for the treatment of injuries resulting from a

8 violation of law by the insured;

9 (b) Exclude from any requirements for reporting quality outcomes or

10 performance any covered medical services provided to an insured in

11 temporary custody;

12 (c) Impose the same contractual provisions, including requirements

13 for billing and medical coding, under the policy for medical services

14 provided to insureds who are in temporary custody as imposed for medical

15 services provided to insureds who are not in such custody;

16 (d) Deny coverage of diagnostic tests or health evaluations required

17 as a matter of course for all individuals who are in temporary custody;



18 (e) Limit coverage of hospital and ambulatory surgical center  
19 services provided to an insured in temporary custody to medical services  
20 provided by in-network hospitals and ambulatory surgical centers;  
21 (f) Deny coverage for costs of medical services made necessary by  
22 the negligence, recklessness, or intentional misconduct of the jail or  
23 its employees as set forth in section 47-705; and  
24 (g) If an insured is incarcerated after the disposition of charges  
25 or is committed to the custody or supervision of the Department of  
26 Correctional Services, cancel coverage or deny coverage for any medical  
27 services or supplies covered by the plan and provided during such  
28 incarceration or while in the custody or supervision of the department.  
29 (5) If an insured is incarcerated after the disposition of charges  
30 or is committed to the custody or supervision of the Department of  
31 Correctional Services, a jail which has sought reimbursement for medical  
1 services under this section shall notify the insurer that the insured has  
2 been subsequently incarcerated or placed in such custody.  
3 (6)(a) An insurer may not refuse to credential a health care  
4 provider who is an employee or a contractor of a political subdivision on  
5 the basis that the employee or contractor provides medical services in a  
6 jail.  
7 (b) If an insurer refuses to credential a health care provider who  
8 is an employee or a contractor of a political subdivision who provides  
9 medical services in a jail, the insurer must give written notice to the  
10 provider explaining the reasons for the refusal.  
11 (7) This section shall not:  
12 (a) Apply to coverage for an insured in custody following the  
13 disposition of charges;  
14 (b) Impair any right of an employer to remove an employee from  
15 coverage under a health insurance plan;  
16 (c) Release an insurer from the requirement to coordinate benefits  
17 for persons who are insured by more than one insurer; or  
18 (d) Limit an insurer's right to rescind coverage in accordance with  
19 law.  
20 (8) A political subdivision shall not pay health insurance policy  
21 premiums on behalf of a person who is in temporary custody.  
22 (9) This section applies to health insurance policies issued or  
23 renewed on or after January 1, 2018, and to claims for reimbursement  
24 based on such policies for costs incurred on or after January 1, 2018.  
25 Sec. 2. Section 47-701, Reissue Revised Statutes of Nebraska, is  
26 amended to read:  
27 47-701 (1) Notwithstanding any other provision of law, and except as  
28 provided in section 1 of this act, sections 47-701 to 47-705 shall govern  
29 responsibility for payment of the costs of medical services for any  
30 person ill, wounded, injured, or otherwise in need of such services at  
31 the time such person is arrested, detained, taken into custody, or  
1 incarcerated.  
2 (2) For purposes of sections 47-701 to 47-705, the term medical  
3 services includes medical and surgical care and treatment,  
4 hospitalization, transportation, medications and prescriptions, and other

5 associated items.

6 Sec. 3. The Revisor of Statutes shall assign section 1 of this act  
7 to Chapter 44, article 7.

8 Sec. 4. Original section 47-701, Reissue Revised Statutes of

9 Nebraska, is repealed.

(Signed) Brett Lindstrom, Chairperson

Health and Human Services

**LEGISLATIVE BILL 225.** Placed on General File with amendment.  
AM611 is available in the Bill Room.

**LEGISLATIVE BILL 297.** Placed on General File with amendment.  
AM365

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

2 sections:

3 Section 1. (1) The Children and Juveniles Data Feasibility Study

4 Advisory Group is created. The advisory group shall oversee a feasibility

5 study to identify how existing state agency data systems currently used

6 to account for the use of all services, programs, and facilities by

7 children and juveniles in the State of Nebraska can be used to establish

8 an independent, external data warehouse. The Foster Care Review Office

9 shall provide administrative support for the feasibility study and the

10 advisory group.

11 (2) The advisory group shall include the Inspector General of

12 Nebraska Child Welfare or his or her designee, the State Court

13 Administrator or his or her designee, the probation administrator of the

14 Office of Probation Administration or his or her designee, the executive

15 director of the Nebraska Commission on Law Enforcement and Criminal

16 Justice or his or her designee, the Commissioner of Education or his or

17 her designee, the executive director of the Foster Care Review Office or

18 his or her designee, the Chief Information Officer of the office of Chief

19 Information Officer or his or her designee, and the chief executive

20 officer of the Department of Health and Human Services or his or her

21 designee.

22 (3) The advisory group shall:

23 (a) Meet at least twice a year;

24 (b) Carry out in good faith the duties provided in this section;

25 (c) Create a Data Steering Subcommittee. Each member of the advisory

26 group shall designate one representative from his or her agency with

27 specific technical knowledge of the agency's data structure, limitation,

1 and capabilities to serve on the subcommittee. The subcommittee shall

2 meet regularly to manage and discuss data-related items, including the

3 technological and system issues of each agency's current data system,

4 specific barriers that impact the implementation of a data warehouse, and

5 steps necessary to establish and sustain a data warehouse. The

6 subcommittee shall report its findings to the advisory group;

7 (d) Create an Information-Sharing Subcommittee. Each member of the

8 advisory group shall designate one representative from his or her agency  
 9 with specific knowledge of the agency's legal and regulatory  
 10 responsibilities and restrictions related to sharing data to serve on the  
 11 subcommittee. The subcommittee shall meet regularly to manage and discuss  
 12 the legal and regulatory barriers to establishing a data warehouse and to  
 13 identify possible solutions. The subcommittee shall report its findings  
 14 to the advisory group; and  
 15 (e) Submit a written report electronically to the Legislature on  
 16 October 1 of 2017 and 2018, detailing the technical and legal steps  
 17 necessary to establish the Children and Juveniles Data Warehouse by July  
 18 1, 2019. The October 1, 2018, report shall include the final results of  
 19 the feasibility study to establish the data warehouse by July 1, 2019.  
 20 The results of the feasibility study shall not be binding on any agency.  
 21 (4) For purposes of this section, independent, external data  
 22 warehouse means a data system which allows for the collection, storage,  
 23 and analysis of data from multiple agencies but is not solely controlled  
 24 by the agencies providing the data.  
 25 (5) This section terminates on December 31, 2019.  
 26 Sec. 2. Section 43-1318, Reissue Revised Statutes of Nebraska, is  
 27 amended to read:  
 28 43-1318 Sections 43-1301 to 43-1321 and section 1 of this act  
 29 ~~43-1322~~ shall be known and may be cited as the Foster Care Review Act.  
 30 Sec. 3. Original section 43-1318, Reissue Revised Statutes of  
 31 Nebraska, is repealed.  
 1 Sec. 4. The following section is outright repealed: Section  
 2 43-1322, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 298.** Placed on General File with amendment.  
 AM537 is available in the Bill Room.

**LEGISLATIVE BILL 417.** Placed on General File with amendment.  
 AM579

1 1. Strike original sections 3, 4, 8, 15, 27 to 31, and 33 and insert  
 2 the following new section:  
 3 Sec. 23. Original sections 13-308, 28-372, 38-101, 38-123, 43-296,  
 4 68-949, 71-6038, 71-6039.06, 71-6603, 81-2210, 81-2273, 81-2274, 81-2275,  
 5 81-2279, 81-2281, and 81-2283, Reissue Revised Statutes of Nebraska, and  
 6 sections 68-908, 68-909, 71-806, 71-810, 71-1904, and 71-6039, Revised  
 7 Statutes Cumulative Supplement, 2016, are repealed.  
 8 2. Renumber the remaining sections accordingly.

(Signed) Merv Riepe, Chairperson

Revenue

**LEGISLATIVE BILL 44.** Placed on General File.

**LEGISLATIVE BILL 98.** Placed on General File.

**LEGISLATIVE BILL 51.** Placed on General File with amendment.

AM267

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

2 Sec. 2. Section 77-1807, Revised Statutes Cumulative Supplement,

3 2016, is amended to read:

4 77-1807 ~~(1)(a) This subsection applies until January 1, 2015.~~

5 ~~(b) Except as otherwise provided in subdivision (c) of this~~  
 6 ~~subsection, the person who offers to pay the amount of taxes due on any~~  
 7 ~~real property for the smallest portion of the same shall be the~~  
 8 ~~purchaser, and when such person designates the smallest portion of the~~  
 9 ~~real property for which he or she will pay the amount of taxes assessed~~  
 10 ~~against any such property, the portion thus designated shall be~~  
 11 ~~considered an undivided portion.~~

12 ~~(c) If a land bank gives an automatically accepted bid for the real~~  
 13 ~~property pursuant to section 19-5217, the land bank shall be the~~  
 14 ~~purchaser, regardless of the bid of any other person.~~

15 ~~(d) If no person bids for a less quantity than the whole and no land~~  
 16 ~~bank has given an automatically accepted bid pursuant to section 19-5217,~~  
 17 ~~the treasurer may sell any real property to any one who will take the~~  
 18 ~~whole and pay the taxes and charges thereon.~~

19 ~~(e) If the homestead is listed separately as a homestead, it shall~~  
 20 ~~be sold only for the taxes delinquent thereon.~~

21 ~~(2)(a) This subsection applies beginning January 1, 2015.~~

22 ~~(1) (b) If a land bank gives an automatically accepted bid for real~~  
 23 ~~property pursuant to section 19-5217, the land bank shall be the~~  
 24 ~~purchaser and no public or private auction shall be held under sections~~  
 25 ~~77-1801 to 77-1863.~~

26 ~~(2) (e) If no land bank has given an automatically accepted bid~~  
 27 ~~pursuant to section 19-5217, the person who offers to pay the amount of~~  
 1 ~~taxes, delinquent interest, and costs due on any real property and who~~  
 2 ~~bids the lowest interest rate to be received upon the redemption of such~~  
 3 ~~real property shall be the purchaser.~~

4 ~~(3) (d) The county treasurer shall announce bidding rules at the~~  
 5 ~~beginning of the public auction, and such rules shall apply to all~~  
 6 ~~bidders throughout the public auction. The first bid given at the public~~  
 7 ~~auction shall be a whole number, and subsequent bids shall only be given~~  
 8 ~~in decrements of one-half percent or one percent.~~

9 ~~(4) (e) The sale, if conducted in a round-robin format, shall be~~  
 10 ~~consistent with bidding rules as announced by the county treasurer and~~  
 11 ~~shall be conducted in substantially the following manner:~~

12 ~~(a) (i) At the commencement of the sale, a count shall be taken of~~  
 13 ~~the number of registered bidders present who want to be eligible to~~  
 14 ~~purchase property. Each registered bidder shall only be counted once. If~~  
 15 ~~additional registered bidders appear at the sale after the commencement~~  
 16 ~~of a round, such registered bidders shall have the opportunity to~~  
 17 ~~participate at the end of the next following round, if any, as provided~~  
 18 ~~in subdivision ~~(4)(e) (v) of this section~~ ~~subdivision~~;~~

19 ~~(b) (ii) Sequentially enumerated tickets shall be placed in a~~  
 20 ~~receptacle. The number of tickets in the receptacle for the first round~~

21 shall equal the count taken in subdivision ~~(4)(a) (i)~~ of this section  
 22 ~~subdivision~~, and the number of tickets in the receptacle for each  
 23 subsequent round shall equal the number of the count taken in subdivision  
 24 ~~(4)(a) (i)~~ of this section ~~subdivision~~ plus additional registered bidders  
 25 as provided in subdivision ~~(4)(e) (v)~~ of this section ~~subdivision~~;  
 26 ~~(c) (iii)~~ In a manner determined by the county treasurer, tickets  
 27 shall be selected from the receptacle by hand for each registered bidder  
 28 whereby each ticket has an equal chance of being selected. Tickets shall  
 29 be selected until there are no tickets remaining in the receptacle;  
 30 ~~(d) (iv)~~ The number on the ticket selected for a registered bidder  
 31 shall represent the order in which a registered bidder may bid on  
 1 ~~purchase~~ property consisting of one parcel subject to sale from the list  
 2 per round; and  
 3 ~~(e) (v)~~ If property listed remains unsold at the end of a round, a  
 4 new round shall commence until all property listed is either sold or, if  
 5 any property listed remains unsold, each registered bidder has  
 6 consecutively passed on the opportunity to make a purchase. Registered  
 7 bidders who are not present when it is their turn to bid ~~purchase~~  
 8 ~~property~~ shall be considered to have passed on the opportunity to make a  
 9 purchase. At the beginning of the second and any subsequent rounds, the  
 10 county treasurer shall inquire whether there are additional registered  
 11 bidders. If additional registered bidders are present, tickets for each  
 12 such bidder shall be placed in a receptacle and selected as provided in  
 13 subdivisions ~~(4)(b) (ii)~~ through ~~(d) (iv)~~ of this section ~~subdivision~~.  
 14 The second and any subsequent rounds shall proceed in the same manner and  
 15 bidding ~~purchase~~ order as the last preceding round, except that any  
 16 additional registered bidders shall be given the opportunity to bid  
 17 ~~purchase~~ at the end of the round in the order designated on their ticket.  
 18 ~~(5) (f)~~ Any property remaining unsold upon completion of the public  
 19 auction shall be sold at a private sale pursuant to section 77-1814.  
 20 ~~(6) (g)~~ A bidder shall ~~(a) (i)~~ register with the county treasurer  
 21 prior to participating in the sale, ~~(b) (ii)~~ provide proof that it  
 22 maintains a registered agent for service of process with the Secretary of  
 23 State if the bidder is a foreign corporation, and ~~(c) (iii)~~ pay a twenty-  
 24 five-dollar registration fee. The fee is not refundable upon redemption.  
 25 ~~(7)~~ If any bidder at a public auction held pursuant to this section  
 26 knowingly and willfully colludes with another bidder to obtain an  
 27 interest rate under this section that he or she would not have obtained  
 28 had the auction been conducted fairly, such sale shall, after notice,  
 29 hearing, and a finding of collusion, be voidable by the county board, and  
 30 the bidder shall in all counties be forever barred from participating in  
 31 any future public auctions under this section. Such determination by the  
 1 county board may be appealed to the district court of such county.

**LEGISLATIVE BILL 291.** Placed on General File with amendment.  
AM530

1 1. On page 3, line 12, strike "ten million" and insert "two hundred  
2 fifty thousand".

**LEGISLATIVE BILL 535.** Placed on General File with amendment.  
AM203

- 1 1. On page 3, line 19, before "except" insert "or any subsequent
- 2 assignment of an easement or such lease."

(Signed) Jim Smith, Chairperson

Business and Labor

**LEGISLATIVE BILL 211.** Placed on General File.

(Signed) Joni Albrecht, Chairperson

Health and Human Services

**LEGISLATIVE BILL 117.** Placed on General File with amendment.  
AM46

- 1 1. On page 4, lines 23 and 25, strike "certification" and insert
- 2 "enrollment".

(Signed) Merv Riepe, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 152.** Placed on General File.

**LEGISLATIVE BILL 209.** Placed on General File.

**LEGISLATIVE BILL 340.** Placed on General File.

**LEGISLATIVE BILL 365.** Placed on General File.

**LEGISLATIVE BILL 494.** Placed on General File with amendment.  
AM555

- 1 1. On page 3, strike lines 21 through 26 and insert the following
- 2 new subdivision:
- 3 "(9) Information that relates details of physical and cyber assets
- 4 of critical energy infrastructure or critical electric infrastructure as
- 5 defined in 18 C.F.R. 388.113, the disclosure of which would pose a threat
- 6 to national security, public health or safety, or any combination of such
- 7 matters, including (a) the identity of personnel whose primary job
- 8 responsibility involves protection of such physical or cyber assets and
- 9 (b) specific engineering, vulnerability, or detailed design information
- 10 about proposed or existing critical energy infrastructure that (i)
- 11 relates details about the production, generation, transportation,
- 12 transmission, or distribution of energy, (ii) could be useful to a person
- 13 in planning an attack on critical infrastructure, and (iii) does not
- 14 simply give the general location of the critical infrastructure."

**LEGISLATIVE BILL 628.** Placed on General File with amendment.  
AM405

- 1 1. Insert the following new sections:
- 2 Sec. 2. (1) For purposes of this section, online hosting platform

3 means a marketplace connected by computer to one or more other computers  
4 or networks, as through a commercial electronic information service or  
5 the Internet, through which (a) a seller or hotel operator may rent or  
6 furnish any room or rooms, lodgings, or accommodations in a hotel, a  
7 motel, an inn, a tourist camp, a tourist cabin, or any other place. (b)  
8 such room or rooms, lodgings, or accommodations may be advertised or  
9 listed, and (c) a purchaser or occupant may arrange for the occupancy of  
10 such room or rooms, lodgings, or accommodations.  
11 (2) The Tax Commissioner may enter into an agreement with an online  
12 hosting platform to permit the online hosting platform to collect and pay  
13 the applicable sales taxes imposed under the Local Option Revenue Act,  
14 the Nebraska Revenue Act of 1967, the Nebraska Visitors Development Act,  
15 and sections 13-318 to 13-326 and 13-2813 to 13-2816 on behalf of the  
16 seller or hotel operator otherwise required to collect such taxes solely  
17 for transactions consummated between the seller or hotel operator and the  
18 purchaser or occupant through the online hosting platform. Upon entering  
19 into such agreement with the online hosting platform, the Tax  
20 Commissioner shall waive the tax collection responsibility of a seller or  
21 hotel operator for transactions consummated through the online hosting  
22 platform for which the online hosting platform has assumed this  
23 responsibility. The online hosting platform shall give written notice to  
24 each seller or hotel operator which is covered by the agreement between  
25 the online hosting platform and the Tax Commissioner.  
26 (3) Upon entering into an agreement with the Tax Commissioner under  
27 this section, the online hosting platform shall report aggregate  
1 information on the tax return prescribed by the Tax Commissioner,  
2 including an aggregate of gross receipts, exemptions, adjustments, and  
3 taxable receipts of all transactions subject to the agreement.  
4 (4) Taxes payable by an online hosting platform on transactions  
5 subject to the agreement shall be subject to audit only by the Tax  
6 Commissioner at his or her sole discretion. An audit of an online hosting  
7 platform shall be conducted solely on the basis of the tax identification  
8 number associated with each online hosting platform and shall not be  
9 conducted directly or indirectly on any seller, hotel operator,  
10 purchaser, or occupant involved in any such transaction. Any such audit  
11 shall be conducted on the basis of returns and supporting documents filed  
12 by the online hosting platform with the Tax Commissioner. An online  
13 hosting platform shall not be required to disclose any personally  
14 identifiable information relating to any seller, hotel operator,  
15 purchaser, or occupant involved in any such transaction.  
16 Sec. 3. Section 77-2701, Revised Statutes Cumulative Supplement,  
17 2016, is amended to read:  
18 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,235, 77-27,236, and  
19 77-27,238 and section 2 of this act shall be known and may be cited as  
20 the Nebraska Revenue Act of 1967.  
21 Sec. 4. Original section 77-2701, Revised Statutes Cumulative  
22 Supplement, 2016, is repealed.

(Signed) John Murante, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 67.** Introduced by Clements, 2; Watermeier, 1.

WHEREAS, the Nebraska City Lourdes Central Catholic High School boys' basketball team won the 2017 Class D-1 Boys' State Basketball Championship; and

WHEREAS, this is the second consecutive state championship win for the Knights boys' basketball team; and

WHEREAS, the Knights are only the fourth team in Class D-1 history to achieve back-to-back state championships; and

WHEREAS, the Knights won against the West Point Guardian Angels Central Catholic Bluejays with a score of 47-44; and

WHEREAS, Coach Joe Tynon provided the leadership for the 24-5 winning 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 Lourdes Central Catholic High School boys' basketball team on winning their second consecutive Class D-1 state championship.

2. That a copy of this resolution be sent to the Knights and Coach Joe Tynon.

Laid over.

**COMMUNICATION(S)**

Acknowledge the receipt of a Pretrial Order and Setting of Hearing Date in the matter of the Special Committee on the Election Challenge to the Qualifications of Senator Ernie Chambers of District 11.

**NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services

Room 1510

Wednesday, March 22, 2017 2:00 p.m.

Scott C. Wiebe - Board of Emergency Medical Services

(Signed) Merv Riepe, Chairperson



**MOTION(S) - Print in Journal**

Senator Larson filed the following motion to LB368:  
MO55

Reconsider the vote taken to invoke cloture.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR59 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR59.

**SELECT FILE**

**LEGISLATIVE BILL 133.** ER7, found on page 523, was adopted.

Senator Hansen offered the Wayne amendment, AM326, found on page 534.

The Wayne amendment was adopted with 30 ayes, 1 nay, 9 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 113.** ER5, found on page 523, was adopted.

Senator Hansen offered his amendment, AM362, found on page 543.

**SENATOR KRIST PRESIDING**

The Hansen amendment was adopted with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 62.** ER8, found on page 524, was adopted.

Senator Chambers reoffered his amendment, AM332, found on page 514, considered on page 517, and refiled on page 529.

Senator Chambers offered the following amendment to his amendment:

FA44

Amend AM332

Page 1, line 4 strike and show as stricken "this state" and insert "Nebraska".

Pending.

**COMMITTEE REPORT(S)**

## Agriculture

**LEGISLATIVE BILL 600.** Placed on General File with amendment.

AM605

1 1. Strike original section 7 and insert the following new sections:

2 Sec. 7. Section 54-1,100, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 54-1,100 (1) A recorded brand is the property of the person causing  
5 such record to be made and is subject to sale, assignment, transfer,  
6 devise, and descent as personal property. Any instrument of writing  
7 evidencing the sale, assignment, or transfer of a recorded brand shall be  
8 effective upon its recording with the Nebraska Brand Committee. No such  
9 instrument shall be accepted for recording if the brand committee has  
10 been duly notified of the existence of a lien or security interest  
11 against livestock owned or thereafter acquired by the owner of such brand  
12 by the holder of such lien or security interest. Written notification  
13 from the holder of such lien or security interest that the lien or  
14 security interest has been satisfied or consent from the holder of such  
15 lien or security interest shall be required in order for the brand  
16 committee to accept for recording an instrument selling, assigning, or  
17 transferring such recorded brand. Except as provided in subsection (2) of  
18 this section, the fee for recording such an instrument shall be  
19 established by the brand committee and shall not be more than forty  
20 dollars. Such instrument shall give notice to all third persons of the  
21 matter recorded in the instrument and shall be acknowledged by a notary  
22 public or any other officer qualified under law to administer oaths.  
23 (2) The owner of a recorded brand may lease the brand to another  
24 person upon compliance with this subsection and subject to the approval  
25 of the brand committee. The lessee shall pay a filing fee established by  
26 the brand committee not to exceed one hundred dollars. The leased  
27 recorded brand may expire as agreed in the lease, but in no event shall  
1 such leased recorded brand exceed the original expiration date.

2 Sec. 13. Section 81-1414, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 81-1414 (1) On and after January 1, 1972, law enforcement officers  
5 already serving under permanent appointment shall not be required to meet  
6 any requirement of subsection (2) of this section as a condition of  
7 tenure or continued employment.

8 (2)(a) (2) On and after January 1, 1972, no person shall receive  
9 appointment as a law enforcement officer unless he or she has been  
10 awarded a certificate or diploma by the commission attesting to  
11 satisfactory completion of the minimum curriculum of the training center  
12 as established by the council or has been awarded a certificate or  
13 diploma attesting to satisfactory completion of a training program which  
14 the council finds equivalent thereto. Any person who has not been awarded  
15 such a certificate or diploma may receive an appointment conditioned on  
16 satisfactory completion of such training if he or she immediately applies  
17 for admission to the training center or any training academy and enrolls

18 in the next available basic training class. If such training is not  
 19 completed within one year after the appointment or two years as provided  
 20 in section 54-192, the person's employment shall not be renewed by a  
 21 political subdivision appointment or otherwise and such person shall no  
 22 longer be recognized as a law enforcement officer, except that in cases  
 23 of extreme hardship, upon application by the officer, the council may  
 24 grant a waiver to allow the officer to complete the basic training  
 25 program as soon as is practicable after the one-year time allowance.

26 (b) Any individual who is not certified in accordance with this  
 27 section and has worked as a law enforcement officer for multiple law  
 28 enforcement agencies or political subdivisions shall have his or her time  
 29 of employment aggregated in order to determine if he or she has worked  
 30 for more than one year. If that law enforcement officer's aggregate time  
 31 of employment exceeds one year, that officer shall not be recognized as a  
 1 law enforcement officer for any political subdivision until he or she has  
 2 satisfactorily completed such certification training.

3 (c) For purposes of this section, the council shall deem the  
 4 successful completion of the federal Bureau of Indian Affairs basic  
 5 police training program as administered by the Federal Law Enforcement  
 6 Training Center to constitute such equivalent training, and officers  
 7 certified by virtue of such equivalent training may exercise full law  
 8 enforcement authority exclusively on tribal lands.

9 (3) Law enforcement officers who are promoted in rank shall  
 10 satisfactorily complete such council-approved training within one year of  
 11 such promotion.

12 (4) At the direction of the council, the director shall issue a  
 13 certificate or diploma attesting to a compliance with the requirements of  
 14 subsection (2) or (3) of this section to any applicant who presents  
 15 evidence of satisfactory completion of a council-approved training  
 16 program.

17 2. On page 3, line 3, before "The" insert "(1)"; in line 5 strike  
 18 the new matter and reinstate the stricken matter; in line 13 after the  
 19 period insert paragraphing and "(2)"; in line 19 before "The" insert  
 20 paragraphing and "(3)"; in line 20 before the period insert ", beginning  
 21 on August 28 of the year of initial appointment or reappointment and  
 22 concluding on August 27 of the year of expiration"; and in line 29 before  
 23 "The" insert paragraphing and "(4)".

24 3. On page 4, line 25, strike "and may" and insert ". The executive  
 25 director shall also be chief investigator and chief brand inspector. Any  
 26 person employed as executive director who at the time of hire does not  
 27 possess a valid law enforcement certificate or diploma as provided in  
 28 subsection (2) of section 81-1414 shall complete the requirements within  
 29 two years after the date of hire. The executive director's duties during  
 30 such period prior to obtaining such certificate or diploma shall not be  
 31 within the authority granted under a commission as a deputy state  
 1 sheriff"; and strike beginning with "also" in line 26 through "both" in  
 2 line 27 and show the old matter as stricken.

3 4. Renumber the remaining sections and correct the repealer  
 4 accordingly.

(Signed) Lydia Brasch, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 263.** Placed on General File with amendment.  
AM538 is available in the Bill Room.

The Transportation and Telecommunications 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.

Shane Greckel - Nebraska Information Technology Commission  
Daniel Spray - Nebraska Information Technology Commission

Aye: 7 Bostelman, Briese, Friesen, Geist, Hughes, Murante, Smith. Nay: 0.  
Absent: 1 Hilgers. Present and not voting: 0.

The Transportation and Telecommunications 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.

Stephan Budke - Motor Vehicle Industry Licensing Board

Aye: 7 Bostelman, Briese, Friesen, Geist, Hughes, Murante, Smith. Nay: 0.  
Absent: 1 Hilgers. Present and not voting: 0.

(Signed) Curt Friesen, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Brasch filed the following amendment to LB600:  
AM613

(Amendments to Standing Committee amendments, AM605)

- 1 1. Strike section 13.
- 2 2. On page 3, strike beginning with "provided" in line 27 through
- 3 the period in line 29 and insert "required to exercise the authority of
- 4 an investigator shall complete the requirements for such certificate or
- 5 diploma within two years after the date of hire and shall assume the
- 6 title of chief investigator upon obtaining such certificate or diploma.".

Senator Krist filed the following amendment to LB14:  
AM625

- 1 1. Strike the original section and insert the following new
- 2 sections:
- 3 Section 1. Section 79-724, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:

5 79-724 It is the responsibility of society to ensure that young  
 6 people become competent and responsible citizens. An informed, loyal,  
 7 just, and patriotic citizenry is necessary to a strong, stable, just, and  
 8 prosperous America. Such a citizenry necessitates that every member  
 9 thereof be fully literate about our acquainted with the nation's history,  
 10 government, geography, and economic system. Young people in our state  
 11 should be committed to the ideas and values of our country's democracy  
 12 and the constitutional republic established by the people. Schools should  
 13 help prepare young people to make informed and reasoned decisions for the  
 14 public good. Civic competence is necessary to sustain and improve our  
 15 democratic way of life and must be taught in our schools. A central role  
 16 of schools is to impart civic knowledge and skills that help young people  
 17 to see the relevance of a civic dimension for their lives and that he or  
 18 she be in full accord with our form of government and fully aware of the  
 19 liberties, opportunities, and advantages of which we are possessed and  
 20 the sacrifices and struggles of those through whose efforts these  
 21 benefits were gained. Since youth is the time most susceptible to the  
 22 acceptance of principles and doctrines that will influence men and women  
 23 throughout their lives, it is one of the first duties of our educational  
 24 system to conduct its activities, choose its textbooks, and arrange its  
 25 curriculum in such a way that young people of our state become informed  
 26 and responsible citizens the love of liberty, justice, democracy, and  
 27 America will be instilled in the hearts and minds of the youth of the  
 1 state.

2 (1) Every school board of a school district shall, at the beginning  
 3 of each school year, appoint from its members a committee of three, to be  
 4 known as the committee on American Civic Competence and Engagement  
 5 Americanism. The committee ~~on Americanism~~ shall:

6 (a) Carefully examine and ensure that the social studies curriculum  
 7 used in the district is aligned to the social studies standards adopted  
 8 pursuant to section 79-760.01 and teaches and assesses foundational  
 9 knowledge in civics, history, economics, and geography;

10 (b) Ensure that the social studies curriculum adequately stresses ;  
 11 inspect, and approve all textbooks used in the teaching of American  
 12 history and civil government in the school. Such textbooks shall  
 13 adequately stress the services of the men and women who achieved our  
 14 national independence, established our constitutional government, and  
 15 preserved our union and is shall be so written to include the  
 16 incorporation of multicultural education as set forth in sections 79-719  
 17 to 79-723 so contributions by ethnic groups as to develop a pride and  
 18 respect for our institutions and not be a mere recital of events and  
 19 dates;

20 (c) Ensure that the district develops and utilizes formative,  
 21 interim, and summative assessments, including, but not limited to, the  
 22 one-hundred-question civics portion of the naturalization exam  
 23 administered by United States Citizenship and Immigration Services, to  
 24 determine student mastery of the social studies standards adopted  
 25 pursuant to section 79-760.01;

26 (d) Ensure that the social studies curriculum utilizes instructional

27 practices that support quality instruction in social studies education,  
 28 including discussion of current events and controversial issues, service  
 29 learning, simulations of democratic processes, classroom-based  
 30 extracurricular activities, school governance, and field trips;  
 31 ~~(e) Ensure that (b) Assure themselves as to the character of all~~  
 1 ~~teachers employed by the district are properly certified to teach social~~  
 2 ~~studies and their knowledge and acceptance of the American form of~~  
 3 ~~government; and~~  
 4 ~~(f) (e) Take all such other steps as will assure the carrying out of~~  
 5 ~~the provisions of this section and provide a report to the school board~~  
 6 ~~regarding the committee's findings and recommendations.~~  
 7 (2) All social studies American history courses approved for grade  
 8 levels as provided by this section shall include and adequately stress  
 9 contributions of all ethnic groups (a) to the development and growth of  
 10 America into a great nation, (b) to art, music, education, medicine,  
 11 literature, science, politics, and government, and (c) to the war  
 12 services in all wars of this nation.  
 13 (3) All grades of all public, private, denominational, and parochial  
 14 schools, below the sixth grade, shall devote at least one hour per week  
 15 to exercises or teaching periods for the following purpose:  
 16 (a) The discussion recital of stories having to do with American  
 17 history or the deeds and exploits of American heroes;  
 18 (b) The historical background and singing of patriotic songs such as  
 19 ~~and the insistence that every pupil memorize the Star-Spangled Banner and~~  
 20 ~~America; and~~  
 21 (c) The development of reverence for the flag and instruction as to  
 22 proper conduct in its presentation.  
 23 (4) In at least two of the three grades from the fifth grade to the  
 24 eighth grade in all public, private, denominational, and parochial  
 25 schools, time at least three periods per week shall be set aside ~~for to~~  
 26 ~~be devoted to~~ the teaching of American history from the social studies  
 27 curriculum approved textbooks, which shall be taught in such a way that  
 28 all students will become responsible citizens who possess a deep  
 29 understanding of our Constitution and be prepared to preserve, protect,  
 30 and defend freedom and democracy in our nation and our world as to make  
 31 the course interesting and attractive and to develop a love of country.  
 1 (5) In at least two courses in grades of every high school, time at  
 2 ~~least three periods per week~~ shall be devoted to the teaching of civics  
 3 and American history as outlined in the social studies standards adopted  
 4 pursuant to section 79-760.01, during which courses specific attention  
 5 shall be given to the following matters:  
 6 (a) The United States Constitution, ~~and~~ the Constitution of  
 7 Nebraska, and the structure and function of local government in this  
 8 state;  
 9 (b) The benefits and advantages of our form of government and the  
 10 rights and responsibilities of citizenship in our government; dangers and  
 11 fallacies of Nazism, Communism, and similar ideologies; and  
 12 (c) The duties of citizenship, including active participation in the  
 13 improvement of a citizen's community, state, country, and world and the

14 value and practice of civil discourse between opposing interests; and -  
 15 (d) The application of knowledge in civics, history, economics, and  
 16 geography in order to address meaningful issues within our society.  
 17 (6) Appropriate patriotic exercises suitable to the occasion shall  
 18 be held under the direction of the superintendent in every public,  
 19 private, denominational, and parochial school on the birthdays of George  
 20 Washington, Abraham Lincoln, and Dr. Martin Luther King, Jr., along with  
 21 American Indian Day Lincoln's birthday, Washington's birthday, Flag Day,  
 22 Memorial Day, and Veterans Day, or on the day preceding or following such  
 23 holiday, if the school is in session.  
 24 (7) ~~The Every school board, the State Board of Education may adopt~~  
 25 ~~and promulgate rules and regulations to carry, and the superintendent of~~  
 26 ~~each school district in the state shall be held directly responsible in~~  
 27 ~~the order named for carrying out this section, and neglect thereof by any~~  
 28 ~~employee or appointed official shall be considered a dereliction of duty~~  
 29 ~~and cause for dismissal.~~  
 30 Sec. 2. Original section 79-724, Reissue Revised Statutes of  
 31 Nebraska, is repealed.  
 1 Sec. 3. The following section is outright repealed: Section 79-727,  
 2 Reissue Revised Statutes of Nebraska.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 68.** Introduced by Bostelman, 23.

WHEREAS, on February 16th-18th at the CenturyLink Center in Omaha, Nebraska, four wrestlers from Legislative District 23 won individual championships at the 2017 Nebraska State Wrestling Championships; and

WHEREAS, Melvin Hernandez, from David City High School, as coached by Tahner Thiem, won the individual championship at 138 pounds in Class C; and

WHEREAS, Kyle Petree and Joseph Reimers, from David City Aquinas High School, as coached by Eric Pflum, won the Class C individual championship at 160 pounds and 182 pounds, respectively; and

WHEREAS, Cole Krecklow, from Wahoo High School, as coached by Darold Foster, won an individual championship at 220 pounds in Class B; and

WHEREAS, these individuals, as well as their coaches and teammates, have worked tirelessly and with great discipline throughout the season; and

WHEREAS, parents, family, friends, and others have supported these individuals throughout their careers; 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 Melvin Hernandez, Kyle Petree, Joseph Reimers, and Cole Krecklow for their individual championships and successful seasons.

2. That copies of this resolution be sent to Melvin Hernandez, Kyle Petree, Joseph Reimers, and Cole Krecklow and their respective coaches.

Laid over.

**LEGISLATIVE RESOLUTION 69.** Introduced by Bostelman, 23.

WHEREAS, the Cedar Bluffs High School cheer and dance team won the 2017 Class C/D Combined Tumbling Division Championship at the Nebraska State Cheer and Dance Competition; and

WHEREAS, this is the first team championship win for the Cedar Bluffs cheer and dance team; and

WHEREAS, the Cedar Bluffs cheer and dance team also received runner-up trophies at the competition in Sideline and Jazz in Class D; 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 Cedar Bluffs High School cheer and dance team for their outstanding performance at the 2017 Nebraska State Cheer and Dance Competition.

2. That a copy of this resolution be sent to the Cedar Bluffs cheer and dance team and Coach Alli Greene.

Laid over.

**LEGISLATIVE RESOLUTION 70.** Introduced by Bostelman, 23.

WHEREAS, the Wahoo Bishop Neumann High School boys' basketball team won the 2017 Class C-1 Boys' State Basketball Championship; and

WHEREAS, this is the second consecutive state championship win in boys' basketball for the Cavaliers and their third state championship in four years; and

WHEREAS, the Cavaliers won by 23 points, the largest margin in 33 years of Class C-1 play, and the winning score of 80 points was the most scored by a winning team in the C-1 final since 1994; and

WHEREAS, Coach Mike Weiss provided the leadership to cap a 26-3 winning season with a state championship; 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 Bishop Neumann High School boys' basketball team on winning the Class C-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Cavaliers and Coach Mike Weiss.



Laid over.

**LEGISLATIVE RESOLUTION 71.** Introduced by Murante, 49.

WHEREAS, Nebraska is a state of the United States, enjoying joint sovereignty with the federal government; and

WHEREAS, the Constitution of the United States recognizes the authority of the legislatures of each state to regulate the times, places, and manner of holding federal elections; and

WHEREAS, the election infrastructure of the United States is utilized to conduct federal, state, and local elections alike; and

WHEREAS, on January 6, 2017, United States Secretary of Homeland Security Jeh Johnson announced that he had designated election infrastructure as a subsector of the existing government facilities critical infrastructure sector; and

WHEREAS, Secretary Johnson's scope of the designation of elections as critical infrastructure includes physical elements, such as "storage facilities, polling places, and centralized vote tabulations locations," to which cybersecurity issues do not apply, "voter registration databases," of which redundant copies are separately stored, and "other systems to manage the election process and report and display results," which are not critical to the determination of official certified election results; and

WHEREAS, section 1016(e) of the USA Patriot Act of 2001, 42 U.S.C. 5195c(e), named the Critical Infrastructure Protection Act, defines critical infrastructure as, "systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters"; and

WHEREAS, the election infrastructure in the United States is highly decentralized and constitutionally under the purview and control of the states; and

WHEREAS, the opposition to designating elections as critical infrastructure is bipartisan, as evidenced by a September 28, 2016, letter signed by Paul Ryan, Speaker of the United States House of Representatives, Nancy Pelosi, Democratic Leader of the United States House of Representatives, Mitch McConnell, Majority Leader of the United States Senate, and Harry Reid, Democratic Leader of the United States Senate, stating, "we would oppose any effort by the federal government to exercise any degree of control over the states' administration of elections by designating these systems as critical infrastructure"; and

WHEREAS, several states have discovered attempted intrusions by the United States Department of Homeland Security under former Secretary Johnson, which need to be thoroughly investigated by the Department of Homeland Security's Office of Inspector General, including such attempted intrusions to the designation process; and

WHEREAS, on February 7, 2017, current United States Homeland Security Secretary John Kelly indicated during testimony before the United

States House of Representatives' Homeland Security Committee that he intends to uphold the former secretary's designation of elections as critical infrastructure; and

WHEREAS, on March 6, 2017, at the direction of Secretary John Kelly, Mr. David Hess, Senior Official Performing the Duties of the Under Secretary, reiterated this position in a letter to the Honorable Denise Merrill, Secretary of State of Connecticut; and

WHEREAS, the designation of this state's election systems as critical infrastructure is a violation of Nebraska's sovereignty and limits its options for performing its duties under the Constitution of the United States; and

WHEREAS, by allowing federal involvement in elections, this designation could have a negative effect on the public's confidence in election systems.

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

1. That the Legislature of the State of Nebraska urges United States Secretary of Homeland Security John Kelly to remove the designation of state election systems as critical infrastructure.

2. That the Legislature of the State of Nebraska urges the Honorable Donald Trump, President of the United States, the Honorable Mike Pence, Vice President of the United States, the United States Congress, the Honorable Deb Fischer, United States Senator for Nebraska, the Honorable Ben Sasse, United States Senator for Nebraska, the Honorable Jeff Fortenberry, Congressman for Nebraska, the Honorable Don Bacon, Congressman for Nebraska, and the Honorable Adrian Smith, Congressman for Nebraska, to call upon Secretary Kelly to remove the designation of state election systems as critical infrastructure.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR71 was referred to the Reference Committee.

#### **ANNOUNCEMENT(S)**

Senator Albrecht announced the Business and Labor Committee will meet March 20, 2017, at 1:30 p.m. in Room 1507 instead of Room 2102.

#### **MOTION(S) - Print in Journal**

Senator Wayne filed the following motion to LB57:

MO56

Indefinitely postpone.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Stinner name added to LB233.

**VISITOR(S)**

Visitors to the Chamber were members of the Nebraska Speech-Language-Hearing Association; Senator Hilkemann's wife, Julie, from Omaha and Lou Dye from Omaha; 36 fourth-grade students from Arlington; Dr. Rachel Knox, MD, M.B.A. from Portland, OR, Paul Stanford from Portland, OR, and Frank Shoemaker from Holbrook; and 74 fourth-grade students and sponsors from Gretna.

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

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Geist, the Legislature adjourned until 9:00 a.m., Thursday, March 16, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-EIGHTH DAY - MARCH 16, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 16, 2017

**PRAYER**

The prayer was offered by Senator Crawford.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Krist presiding.

The roll was called and all members were present except Senators Hilkemann, Kuehn, McCollister, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-seventh day was approved.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 509A.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 509, One Hundred Fifth Legislature, First Session, 2017.

**ANNOUNCEMENT**

The Chair announced the birthday of Senator Kolterman.

**SELECT FILE**

**LEGISLATIVE BILL 62.** Senator Chambers renewed his amendment, FA44, found on page 713, to his amendment, AM332.

Senator Chambers withdrew his amendment, FA44.

Senator Chambers withdrew his amendment, AM332, found on page 514 and considered on pages 517, 529, and 713.

Senator Scheer offered the following motion:

MO57

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Voting in the affirmative, 38:

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

Voting in the negative, 3:

Chambers	Lowe	Wayne
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Present and not voting, 7:

Baker	Friesen	Howard	Schumacher
Ebke	Harr	Krist	

Excused and not voting, 1:

Watermeier

The Scheer motion to invoke cloture prevailed with 38 ayes, 3 nays, 7 present and not voting, and 1 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 41:

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

Voting in the negative, 1:

Chambers

Present and not voting, 7:

Friesen	Howard	McCollister	Schumacher
Harr	Kolowski	Morfeld	

Advanced to Enrollment and Review for Engrossment with 41 ayes, 1 nay, and 7 present and not voting.

#### **SENATOR HUGHES PRESIDING**

**LEGISLATIVE BILL 11.** Senator Krist offered his amendment, AM552, found on page 653.

The Krist amendment was adopted with 41 ayes, 0 nays, and 8 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 57.** Senator Morfeld offered his amendment, AM453, found on page 653.

The Morfeld amendment was adopted with 41 ayes, 1 nay, and 7 present and not voting.

Senator Wayne withdrew his motion, MO56, found on page 722, to indefinitely postpone.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 10.** Senator Krist offered his amendment, AM485, found on page 639.

The Krist amendment was adopted with 39 ayes, 1 nay, and 9 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 10A.** Senator Krist offered the following amendment:

AM558

1 1. Strike AM160.

The Krist amendment was adopted with 37 ayes, 0 nays, and 12 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 16.** ER10, found on page 584, was adopted.

Senator Lindstrom offered his amendment, AM448, found on page 611.

The Lindstrom amendment was adopted with 41 ayes, 0 nays, and 8 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 140.** ER14, found on page 592, was adopted.

Senator Williams offered his amendment, AM437, found on page 679.

The Williams amendment was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT(S)**  
Nebraska Retirement Systems

**LEGISLATIVE BILL 31.** Placed on General File.

**LEGISLATIVE BILL 413.** Placed on General File.

**LEGISLATIVE BILL 219.** Placed on General File with amendment. AM497 is available in the Bill Room.

**LEGISLATIVE BILL 278.** Placed on General File with amendment. AM451 is available in the Bill Room.

(Signed) Mark Kolterman, Chairperson

Education

**LEGISLATIVE BILL 595.** Placed on General File with amendment. AM581

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

3 Section 1. Section 79-254, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 79-254 Sections 79-254 to 79-294 and sections 2 and 3 of this act  
6 shall be known and may be cited as the Student Discipline Act.

7 Sec. 2. (1) If a student becomes physically violent toward himself  
8 or herself, a teacher, an administrator, or another student, a teacher or  
9 administrator may use necessary physical force or physical restraint to  
10 subdue such student until such student no longer presents a danger to  
11 himself or herself, the teacher, the administrator, or the other student.

12 (2) If a student exhibits destructive behavior toward school  
13 property, a teacher or administrator may use physical restraint to subdue



14 such student until such student ceases the destructive behavior or the  
15 student is removed from the classroom.  
16 (3) Any action by a teacher or administrator pursuant to subsection  
17 (1) or (2) of this section shall not be considered corporal punishment  
18 pursuant to section 79-295.  
19 (4) Any teacher or administrator defending himself or herself,  
20 another teacher or administrator, or a student pursuant to subsection (1)  
21 of this section, or protecting school property pursuant to subsection (2)  
22 of this section, shall not be subject to legal action or administrative  
23 discipline if such teacher or administrator was acting in a reasonable  
24 manner.  
25 Sec. 3. (1) A teacher may remove a student from a class if the  
26 teacher:  
27 (a) Has documented that such student has repeatedly interfered with  
1 such teacher's ability to communicate effectively with the students in  
2 such class or with the ability of students in such class to learn;  
3 (b) Determines such student's behavior is so unruly, disruptive, or  
4 abusive that it seriously interferes with such teacher's ability to  
5 communicate effectively with the students in the class or with the  
6 ability of the students in the class to learn; or  
7 (c) Determines such student has committed other disruptive acts that  
8 merit discipline under the Student Discipline Act.  
9 (2) If a teacher removes a student from a class pursuant to this  
10 section, the principal of the school may place such student into another  
11 appropriate classroom, into in-school suspension, or suspend the student  
12 pursuant to section 79-265 or 79-267. The principal may not return such  
13 student to a class taught by such teacher without the teacher's consent  
14 unless such return is required pursuant to the Special Education Act or  
15 the federal Individuals with Disabilities Education Act, 20 U.S.C. 1400  
16 et seq. If the teacher does not consent to the student's return to the  
17 teacher's classroom, within two school days following the student's  
18 removal a conference shall be held with the teacher and the parent or  
19 legal guardian of such student in the presence of the principal or the  
20 principal's designee for the purpose of determining the causes of the  
21 problem and developing a plan implementing possible student behavior  
22 improvement mechanisms. Following the conference, the principal may  
23 readmit such student to the teacher's class. A principal or other  
24 administrator shall not coerce a teacher to consent to the return of a  
25 student to a class from which such student was removed pursuant to this  
26 section.  
27 (3) A teacher shall not be subject to legal action or administrative  
28 discipline for removing a student from a class pursuant to subsection (1)  
29 of this section if such teacher was acting in a reasonable manner.  
30 Sec. 4. Original section 79-254, Reissue Revised Statutes of  
31 Nebraska, is repealed.

(Signed) Mike Groene, Chairperson

## Health and Human Services

**LEGISLATIVE BILL 358.** Placed on General File with amendment.  
AM493

- 1 1. On page 4, strike beginning with "to" in line 20 through the last
- 2 "and" in line 22.

(Signed) Merv Riepe, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 46.** ER16, found on page 595, was adopted.

Senator Chambers offered his amendment, FA5, found on page 359.

Senator Chambers moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Chambers      Morfeld

Voting in the negative, 36:

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

Present and not voting, 10:

Bolz	Howard	Krist	Pansing Brooks	Schumacher
Crawford	Kolowski	McCollister	Quick	Vargas

Excused and not voting, 1:

Harr

The Chambers amendment lost with 2 ayes, 36 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered his amendment, FA6, found on page 359.

**SENATOR KRIST PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Baker            Chambers        Hansen            Kolowski

Voting in the negative, 32:

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

Present and not voting, 11:

Bolz	Krist	Quick	Walz
Crawford	McCollister	Schumacher	Wayne
Howard	Pansing Brooks	Vargas	

Excused and not voting, 2:

Harr            Morfeld

The Chambers amendment lost with 4 ayes, 32 nays, 11 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered his amendment, FA7, found on page 359.

Pending.

**COMMITTEE REPORT(S)**

Health and Human Services

**LEGISLATIVE BILL 342.** Placed on General File with amendment.  
AM542

1 1. Strike original sections 1 to 5 and 8 and insert the following  
2 new section:

- 3 Sec. 3. Since an emergency exists, this act takes effect when passed  
4 and approved according to law.  
5 2. Renumber the remaining sections accordingly.

(Signed) Merv Riepe, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services

Room 1510

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

Frank R. Turk - Commission for the Deaf and Hard of Hearing

(Signed) Merv Riepe, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 72.** Introduced by Kolterman, 24.

WHEREAS, Braydon Conell, Devin Johansen, Logan Johansen, and Andrew Pavel, members of Troop 180 of Utica, have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Braydon, Devin, Logan, and Andrew, through their hard work and perseverance, have joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Braydon Conell, Devin Johansen, Logan Johansen, and Andrew Pavel on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Braydon Conell, Devin Johansen, Logan Johansen, and Andrew Pavel.

Laid over.

**VISITOR(S)**

Visitors to the Chamber were members of Leadership Nebraska City and Leadership Nemaha County; 6 high school students and teacher from Bergan, Fremont; 56 fourth-grade students from Avery Elementary, Bellevue; members of the Nebraska State Volunteer Firefighters Association and Nebraska Fire Chiefs Association from across the state; Senator Brewer's daughter, 2nd Lt. Kalee Brewer, from Fort Rucker, AL; and Joseph Nash Jr, Jordan Nash, and Marcus Buchanan from North Omaha.

The Doctor of the Day was Dr. Roger Meyer from Utica.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Lowe, the Legislature adjourned until 9:00 a.m., Friday, March 17, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-NINTH DAY - MARCH 17, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 17, 2017

**PRAYER**

The prayer was offered by Senator Craighead.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Krist presiding.

The roll was called and all members were present except Senator Baker who was excused; and Senators Friesen, Kolowski, McDonnell, Watermeier, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-eighth day was approved.

**AMENDMENT(S) - Print in Journal**

Senator Murante filed the following amendment to LB340:  
AM287

1 1. On page 11, strike line 8, show as stricken, and insert "4001 to  
2 5000 40".

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 73.** Introduced by Brewer, 43.

WHEREAS, the Mullen High School boys' basketball team won the 2017 Class D-2 Boys' State Basketball Championship; and

WHEREAS, the Broncos had a record of 27-2 during the 2017 regular season; and

WHEREAS, the Broncos showed skill, talent, and determination in winning in the final ten seconds with a score of 29-28 against the Mead Raiders; and

WHEREAS, Coach Rusty Moore recorded his 200th career win; and

WHEREAS, Coach Moore and his coaching staff have served as mentors and leaders for all of the members of the team; and

WHEREAS, this is the first boys' basketball state championship win for Mullen High School in the ninety-four-year history of the school; and

WHEREAS, the Mullen Bronco is a most honorable and distinguished mascot; and

WHEREAS, the Legislature recognizes the academic and athletic 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 Mullen High School boys' basketball team on winning their first state championship and commends Coach Rusty Moore for his efforts in teaching, coaching, and providing guidance.

2. That a copy of this resolution be sent to the Broncos and Coach Rusty Moore.

Laid over.

### 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>

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 16, 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

Block, Kristi

Nebraska Grain and Feed Association

Forbes, Jennifer

People for the Ethical Treatment of Animals, Inc.

Griffith, Stephen

Nebraskans For Alternatives to the Death Penalty

Jess, Fields

Texas Public Policy Foundation (Withdrawn 03/13/2017)

Mahlman, Dale

Nebraska Medical Association

O'Hara Lindsay & Associates, Inc.

The Willa Cather Foundation

Ragland, Jina

Nebraska Medical Association

Williams, David

Taxpayers Protection Alliance



**MOTION - Adopt Permanent Rules**

Senator Krist withdrew his amendment, found on page 477 and considered on page 479, to Rule 7, Sec. 10, to the Brewer proposed rule change.

Senator Brewer withdrew his proposed rule change, found on page 476, to Rule 7, Sec. 10.

Senator Scheer moved that the rules in our possession on January 4, 2017, be adopted as the permanent rules for the 2017 calendar year.

The Scheer motion to adopt permanent rules prevailed with 38 ayes, 2 nays, 3 present and not voting, and 6 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 46.** Senator Chambers renewed his amendment, FA7, found on page 359 and considered on page 731.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Hansen

Voting in the negative, 32:

Albrecht	Craighead	Hughes	McCollister	Watermeier
Blood	Ebke	Kolterman	Murante	Wayne
Bostelman	Erdman	Kuehn	Riepe	Williams
Brasch	Geist	Larson	Scheer	Wishart
Brewer	Halloran	Lindstrom	Smith	
Briese	Hilgers	Linehan	Stinner	
Clements	Hilkemann	Lowe	Walz	

Present and not voting, 10:

Bolz	Crawford	Krist	Pansing Brooks	Schumacher
Chambers	Howard	Morfeld	Quick	Vargas

Excused and not voting, 6:

Baker	Groene	Kolowski
Friesen	Harr	McDonnell

The Chambers amendment lost with 1 aye, 32 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO58

Reconsider the vote taken on FA7.

Senator Chambers asked unanimous consent to withdraw his motion, MO58, to reconsider. No objections. So ordered.

Senator Chambers offered his amendment, FA8, found on page 359.

Senator Watermeier offered the following motion:

MO59

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Watermeier moved for a call of the house. The motion prevailed with 44 ayes, 0 nays, and 5 not voting.

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

Voting in the affirmative, 35:

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

Voting in the negative, 8:

Chambers	Kolowski	McCollister	Pansing Brooks
Hansen	Krist	Morfeld	Wishart

Present and not voting, 5:

Howard	Schumacher	Vargas	Walz	Wayne
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Excused and not voting, 1:

Baker

The Watermeier motion to invoke cloture prevailed with 35 ayes, 8 nays, 5 present and not voting, and 1 excused and not voting.

The Chambers amendment, FA8, lost with 4 ayes, 36 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

**LEGISLATIVE BILL 46A.** Senator Chambers offered the following amendment:

FA45

Page 2, line 1, strike and show as stricken "\$9,631" and insert "\$9,630".

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 4 nays, and 29 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 30:

Albrecht	Clements	Halloran	Lindstrom	Smith
Blood	Craighead	Hilgers	Linehan	Stinner
Bostelman	Ebke	Hilkemann	Lowe	Watermeier
Brasch	Erdman	Hughes	McDonnell	Wayne
Brewer	Friesen	Kolterman	Riepe	Williams
Briese	Geist	Kuehn	Scheer	Wishart

Present and not voting, 15:

Bolz	Hansen	Kolowski	Morfeld	Schumacher
Chambers	Harr	Krist	Pansing Brooks	Vargas
Crawford	Howard	McCollister	Quick	Walz

Excused and not voting, 4:

Baker	Groene	Larson	Murante
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The Chambers amendment lost with 0 ayes, 30 nays, 15 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA46

Page 2, line 1, strike and show as stricken "\$9,631" and insert "\$9,630".

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 4 nays, and 29 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 29:

Albrecht	Clements	Halloran	Linehan	Stinner
Blood	Craighead	Hilkemann	Lowe	Watermeier
Bostelman	Ebke	Hughes	McDonnell	Wayne
Brasch	Erdman	Kolterman	Riepe	Williams
Brewer	Friesen	Kuehn	Scheer	Wishart
Briese	Geist	Lindstrom	Smith	

Present and not voting, 15:

Bolz	Hansen	Kolowski	Morfeld	Schumacher
Chambers	Harr	Krist	Pansing Brooks	Vargas
Crawford	Howard	McCollister	Quick	Walz

Excused and not voting, 5:

Baker	Groene	Hilgers	Larson	Murante
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The Chambers amendment lost with 0 ayes, 29 nays, 15 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO61

Reconsider the vote taken on FA46.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 5 nays, and 25 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 32:

Albrecht	Craighead	Hansen	Lowe	Watermeier
Bolz	Crawford	Hilkemann	McDonnell	Wayne
Bostelman	Erdman	Hughes	Quick	Williams
Brasch	Friesen	Kolterman	Riepe	Wishart
Brewer	Geist	Kuehn	Scheer	
Briese	Groene	Lindstrom	Smith	
Clements	Halloran	Linehan	Vargas	

Present and not voting, 7:

Howard	Krist	Pansing Brooks	Walz
Kolowski	McCollister	Schumacher	

Excused and not voting, 9:

Baker	Ebke	Hilgers	Morfeld	Stinner
Blood	Harr	Larson	Murante	

The Chambers motion to reconsider failed with 1 aye, 32 nays, 7 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 133.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**  
Government, Military and Veterans Affairs

**LEGISLATIVE BILL 34.** Placed on General File.

**LEGISLATIVE BILL 68.** Placed on General File with amendment.  
AM630 is available in the Bill Room.

**LEGISLATIVE BILL 127.** Placed on General File with amendment.  
AM646

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 84-1411, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 84-1411 ~~(1)(a)(i)~~ ~~(1)~~ Each public body shall give reasonable
- 6 advance publicized notice of the time and place of each meeting by a
- 7 ~~method designated by each public body and recorded in its minutes.~~ Such

8 notice shall be transmitted to all members of the public body and to the  
9 public.

10 (ii) In the case of a public body described in subdivision (1)(a)(i)  
11 of section 84-1409 or such body's advisory committee, such notice shall  
12 be published in a newspaper of general circulation within the public  
13 body's jurisdiction and, if available, in a digital advertisement on such  
14 newspaper's web site. Such notice may also be provided by any other  
15 appropriate method designated by the public body or such advisory  
16 committee.

17 (iii) In the case of any other public body, such notice shall be  
18 given by a method designated by the public body.

19 (b) The public body shall record the methods and dates of such  
20 notice in its minutes.

21 (c) Such notice shall contain an agenda of subjects known at the  
22 time of the publicized notice or a statement that the agenda, which shall  
23 be kept continually current, shall be readily available for public  
24 inspection at the principal office of the public body during normal  
25 business hours. Agenda items shall be sufficiently descriptive to give  
26 the public reasonable notice of the matters to be considered at the  
27 meeting. Except for items of an emergency nature, the agenda shall not be  
1 altered later than (i) ~~(a)~~ twenty-four hours before the scheduled  
2 commencement of the meeting or (ii) ~~(b)~~ forty-eight hours before the  
3 scheduled commencement of a meeting of a city council or village board  
4 scheduled outside the corporate limits of the municipality. The public  
5 body shall have the right to modify the agenda to include items of an  
6 emergency nature only at such public meeting.

7 (2) A meeting of a state agency, state board, state commission,  
8 state council, or state committee, of an advisory committee of any such  
9 state entity, of an organization created under the Interlocal Cooperation  
10 Act, the Joint Public Agency Act, or the Municipal Cooperative Financing  
11 Act, of the governing body of a public power district having a chartered  
12 territory of more than one county in this state, of the governing body of  
13 a public power and irrigation district having a chartered territory of  
14 more than one county in this state, of a board of an educational service  
15 unit, of the Educational Service Unit Coordinating Council, of the  
16 governing body of a risk management pool or its advisory committees  
17 organized in accordance with the Intergovernmental Risk Management Act,  
18 or of a community college board of governors may be held by means of  
19 videoconferencing or, in the case of the Judicial Resources Commission in  
20 those cases specified in section 24-1204, by telephone conference, if:

21 (a) Reasonable advance publicized notice is given as provided in  
22 subsection (1) of this section;

23 (b) Reasonable arrangements are made to accommodate the public's  
24 right to attend, hear, and speak at the meeting, including seating,  
25 recordation by audio or visual recording devices, and a reasonable  
26 opportunity for input such as public comment or questions to at least the  
27 same extent as would be provided if videoconferencing or telephone  
28 conferencing was not used;

29 (c) At least one copy of all documents being considered is available

30 to the public at each site of the videoconference or telephone  
31 conference;

1 (d) At least one member of the state entity, advisory committee,  
2 board, council, or governing body is present at each site of the  
3 videoconference or telephone conference; and

4 (e) No more than one-half of the state entity's, advisory  
5 committee's, board's, council's, or governing body's meetings in a  
6 calendar year are held by videoconference or telephone conference.

7 Videoconferencing, telephone conferencing, or conferencing by other  
8 electronic communication shall not be used to circumvent any of the  
9 public government purposes established in the Open Meetings Act.

10 (3) A meeting of a board of an educational service unit, of the  
11 Educational Service Unit Coordinating Council, of the governing body of  
12 an entity formed under the Interlocal Cooperation Act, the Joint Public  
13 Agency Act, or the Municipal Cooperative Financing Act, of the governing  
14 body of a risk management pool or its advisory committees organized in  
15 accordance with the Intergovernmental Risk Management Act, of a community  
16 college board of governors, of the governing body of a public power  
17 district, or of the governing body of a public power and irrigation  
18 district may be held by telephone conference call if:

19 (a) The territory represented by the educational service unit,  
20 member educational service units, community college board of governors,  
21 public power district, public power and irrigation district, or member  
22 public agencies of the entity or pool covers more than one county;

23 (b) Reasonable advance publicized notice is given as provided in  
24 subsection (1) of this section which identifies each telephone conference  
25 location at which an educational service unit board member, a council  
26 member, a member of a community college board of governors, a member of  
27 the governing body of a public power district, a member of the governing  
28 body of a public power and irrigation district, or a member of the  
29 entity's or pool's governing body will be present;

30 (c) All telephone conference meeting sites identified in the notice  
31 are located within public buildings used by members of the educational  
1 service unit board, council, community college board of governors,  
2 governing body of the public power district, governing body of the public  
3 power and irrigation district, or entity or pool or at a place which will  
4 accommodate the anticipated audience;

5 (d) Reasonable arrangements are made to accommodate the public's  
6 right to attend, hear, and speak at the meeting, including seating,  
7 recordation by audio recording devices, and a reasonable opportunity for  
8 input such as public comment or questions to at least the same extent as  
9 would be provided if a telephone conference call was not used;

10 (e) At least one copy of all documents being considered is available  
11 to the public at each site of the telephone conference call;

12 (f) At least one member of the educational service unit board,  
13 council, community college board of governors, governing body of the  
14 public power district, governing body of the public power and irrigation  
15 district, or governing body of the entity or pool is present at each site  
16 of the telephone conference call identified in the public notice;

17 (g) The telephone conference call lasts no more than two hours; and  
 18 (h) No more than one-half of the board's, council's, governing  
 19 body's, entity's, or pool's meetings in a calendar year are held by  
 20 telephone conference call, except that a governing body of a risk  
 21 management pool that meets at least quarterly and the advisory committees  
 22 of the governing body may each hold more than one-half of its meetings by  
 23 telephone conference call if the governing body's quarterly meetings are  
 24 not held by telephone conference call or videoconferencing.  
 25 Nothing in this subsection shall prevent the participation of  
 26 consultants, members of the press, and other nonmembers of the governing  
 27 body at sites not identified in the public notice. Telephone conference  
 28 calls, emails, faxes, or other electronic communication shall not be used  
 29 to circumvent any of the public government purposes established in the  
 30 Open Meetings Act.

31 (4) The secretary or other designee of each public body shall  
 1 maintain a list of the news media requesting notification of meetings and  
 2 shall make reasonable efforts to provide advance notification to them of  
 3 the time and place of each meeting and the subjects to be discussed at  
 4 that meeting.

5 (5) When it is necessary to hold an emergency meeting without  
 6 reasonable advance public notice, the nature of the emergency shall be  
 7 stated in the minutes and any formal action taken in such meeting shall  
 8 pertain only to the emergency. Such emergency meetings may be held by  
 9 means of electronic or telecommunication equipment. The provisions of  
 10 subsection (4) of this section shall be complied with in conducting  
 11 emergency meetings. Complete minutes of such emergency meetings  
 12 specifying the nature of the emergency and any formal action taken at the  
 13 meeting shall be made available to the public by no later than the end of  
 14 the next regular business day.

15 (6) A public body may allow a member of the public or any other  
 16 witness other than a member of the public body to appear before the  
 17 public body by means of video or telecommunications equipment.  
 18 Sec. 2. Original section 84-1411, Reissue Revised Statutes of  
 19 Nebraska, is repealed.

**LEGISLATIVE BILL 432.** Placed on General File with amendment.  
 AM289

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 13-508, Revised Statutes Cumulative Supplement,  
 4 2016, is amended to read:  
 5 13-508 (1) After publication and hearing thereon and within the time  
 6 prescribed by law, each governing body, except as provided in subsection  
 7 (3) of this section, shall file with and certify to the levying board or  
 8 boards on or before September 20 of each year or September 20 of the  
 9 final year of a biennial period and file with the auditor a copy of the  
 10 adopted budget statement which complies with sections 13-518 to 13-522 or  
 11 79-1023 to 79-1030, together with the amount of the tax required to fund  
 12 the adopted budget, setting out separately (a) the amount to be levied



13 for the payment of principal or interest on bonds issued by the governing  
 14 body and (b) the amount to be levied for all other purposes. Proof of  
 15 publication shall be attached to the statements. For fiscal years prior  
 16 to fiscal year 2017-18, learning communities shall also file a copy of  
 17 such adopted budget statement with member school districts on or before  
 18 September 1 of each year. If the prime rate published by the Federal  
 19 Reserve Board is ten percent or more at the time of the filing and  
 20 certification required under this subsection, the ~~The~~ governing body, in  
 21 certifying the amount required, may make allowance for delinquent taxes  
 22 not exceeding five percent of the amount required plus the actual  
 23 percentage of delinquent taxes for the preceding tax year or biennial  
 24 period and for the amount of estimated tax loss from any pending or  
 25 anticipated litigation which involves taxation and in which tax  
 26 collections have been or can be withheld or escrowed by court order. For  
 27 purposes of this section, anticipated litigation shall be limited to the  
 1 anticipation of an action being filed by a taxpayer who or which filed a  
 2 similar action for the preceding year or biennial period which is still  
 3 pending. Except for such allowances, a governing body shall not certify  
 4 an amount of tax more than one percent greater or lesser than the amount  
 5 determined under section 13-505.

6 (2) Each governing body shall use the certified taxable values as  
 7 provided by the county assessor pursuant to section 13-509 for the  
 8 current year in setting or certifying the levy. Each governing body may  
 9 designate one of its members to perform any duty or responsibility  
 10 required of such body by this section.

11 (3)(a) A Class I school district shall do the filing and  
 12 certification required by subsection (1) of this section on or before  
 13 August 1 of each year.

14 (b) For fiscal years prior to fiscal year 2017-18, learning  
 15 communities shall do such filing and certification on or before September  
 16 1 of each year.

17 Sec. 2. This act becomes operative on July 1, 2017.

18 Sec. 3. Original section 13-508, Revised Statutes Cumulative  
 19 Supplement, 2016, is repealed.

20 Sec. 4. Since an emergency exists, this act takes effect when  
 21 passed and approved according to law.

**LEGISLATIVE BILL 479.** Placed on General File with amendment.  
 AM35

1 1. On page 4, line 9, strike "on a separate day" and insert  
 2 "separately"; strike beginning with "No" in line 22 through "after" in  
 3 line 23; and in line 23 reinstate the stricken "After".

(Signed) John Murante, Chairperson

## 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.

Brian Buhlke - Nebraska Rural Health Advisory Commission  
 April Dexter - Nebraska Rural Health Advisory Commission  
 Martin Fattig - Nebraska Rural Health Advisory Commission  
 Jessye Goertz - Nebraska Rural Health Advisory Commission  
 Benjamin R. Iske - Nebraska Rural Health Advisory Commission

Aye: 7 Crawford, Erdman, Howard, Kolterman, Linehan, Riepe, Williams.  
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Merv Riepe, Chairperson

#### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Metzler, Michael - Nebraska Power Review Board - Natural Resources  
 Moen, Greg - Nebraska Power Review Board - Natural Resources

(Signed) Dan Watermeier, Chairperson  
 Executive Board

#### AMENDMENT(S) - Print in Journal

Senator Brasch filed the following amendment to LB155:  
 AM676

1 1. On page 2, line 4, strike "Nebraska" and insert "public"; in line  
 2 11 after "from" insert "a public"; and strike beginning with the first  
 3 comma in line 15 through "requirements" in line 17.

Senator Brasch filed the following amendment to LB308:  
 AM675

1 1. On page 4, line 1, strike "United State Constitution", show as  
 2 stricken, and insert "Declaration of Independence, the United States  
 3 Constitution"; and strike beginning with "Lincoln's" in line 9 through  
 4 "day" in line 11, show as stricken, and insert "George Washington's  
 5 birthday, Abraham Lincoln's birthday, Dr. Martin Luther King, Jr.'s  
 6 birthday, Flag Day, Memorial Day, Veterans Day, and Thanksgiving Day, or  
 7 on the day or week".

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 74.** Introduced by Howard, 9; Wayne, 13.

WHEREAS, the National Consumer Advisory Board is a private research organization dedicated to providing consumers information about the finest dental professionals in the United states; and

WHEREAS, the National Consumer Advisory Board recognizes America's Best Dentists based on experience, training, continuing education, and commitment to excellence; and

WHEREAS, Dr. William Steiner, D.D.S., has been honored for his outstanding care, superior skill, exceptional knowledge, and commitment to excellence by being named one of America's Best Dentists in 2016 by the National Consumer Advisory Board.

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

1. That the Legislature congratulates Dr. William Steiner, D.D.S., on being honored as one of America's Best Dentists in 2016 by the National Consumer Advisory Board.
2. That a copy of this resolution be sent to Dr. William Steiner.

Laid over.

**VISITOR(S)**

Visitors to the Chamber were Mary Barry Magsamen from St. Monica's Behavioral Health Services for Women; Senator McDonnell's nephews Carter and Wyatt Carmichael; and 100 fourth-grade students from Reeder Elementary, Gretna.

The Doctor of the Day was Dr. David Hoelting from Pender.

**ADJOURNMENT**

At 12:05 p.m., on a motion by Senator McDonnell, the Legislature adjourned until 9:00 a.m., Monday, March 20, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTIETH DAY - MARCH 20, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**FIFTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 20, 2017

**PRAYER**

The prayer was offered by Pastor Wilson Metz, Word of Hope Lutheran Church, Ashland.

**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 Senators Bolz, Groene, Larson, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-ninth day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 61 and 62 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 61 and 62.

**SENATOR HOWARD PRESIDING**

**MOTION(S) - Confirmation Report(s)**

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 628:

Nebraska Ethanol Board  
Scott McPheeters

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 3:

Harr	Kolowski	Vargas
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Excused and not voting, 4:

Bolz	Groene	Larson	Murante
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The appointment was confirmed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Senator Friesen moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 716:

Nebraska Information Technology Commission

Shane Greckel

Daniel Spray

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 2:

Riepe	Wayne
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Excused and not voting, 4:

Bolz            Groene            Larson            Murante

The appointments were confirmed with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

Senator Friesen moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 716:

Motor Vehicle Industry Licensing Board  
Stephan Budke

Voting in the affirmative, 39:

Albrecht	Clements	Hansen	Lindstrom	Schumacher
Baker	Craighead	Harr	Linehan	Smith
Blood	Crawford	Hilgers	Lowe	Stinner
Bostelman	Ebke	Hilkemann	McCollister	Vargas
Brasch	Erdman	Howard	McDonnell	Walz
Brewer	Friesen	Kolowski	Morfeld	Williams
Briese	Geist	Kolterman	Pansing Brooks	Wishart
Chambers	Halloran	Krist	Quick	

Voting in the negative, 0.

Present and not voting, 6:

Hughes	Riepe	Watermeier
Kuehn	Scheer	Wayne

Excused and not voting, 4:

Bolz            Groene            Larson            Murante

The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 640:

Nebraska Child Abuse Prevention Fund Board  
Mary Beth Hanus  
Lisa Knoche

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 5:

Briese	Hansen	Kuehn	Watermeier	Wayne
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Excused and not voting, 3:

Groene	Larson	Murante
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The appointments were confirmed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 640:

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

#### **SPEAKER SCHEER PRESIDING**

Senator Kolterman moved the previous question. The question is, "Shall the debate now close?"

Senator Kolterman moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The motion to cease debate prevailed with 37 ayes, 10 nays, and 2 present and not voting.

Senator Chambers requested a roll call vote on the confirmation report.

Voting in the affirmative, 39:



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

Voting in the negative, 2:

Chambers Morfeld

Present and not voting, 8:

Blood	Hansen	Kolowski	Vargas
Bolz	Howard	Pansing Brooks	Wayne

The appointment was confirmed with 39 ayes, 2 nays, and 8 present and not voting.

The Chair declared the call raised.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 746:

Nebraska Rural Health Advisory Commission

Brian Buhlke  
 April Dexter  
 Martin Fattig  
 Jessye Goertz  
 Benjamin R. Iske

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 7:

Brewer            Geist            Smith            Williams  
Crawford        McCollister    Wayne

The appointments were confirmed with 42 ayes, 0 nays, and 7 present and not voting.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 75.** Introduced by Vargas, 7.

WHEREAS, Cesar Chavez was born on March 31, 1927, on a family farm near Yuma, Arizona; and

WHEREAS, after losing the farm during the Great Depression, Cesar Chavez became a migrant farm worker at age 10 in California, and was forced to leave school to help support his family; and

WHEREAS, Cesar Chavez served our nation in the United States Navy before returning to California, where he married Helen Fabela and raised eight children; and

WHEREAS, in 1949, Cesar Chavez began advocating for civil rights and labor rights for farm workers in Delano, California, campaigning for fair wages, better working and living conditions, and fighting against the use of child labor; and

WHEREAS, in 1952, he joined the Community Service Organization, becoming the national director in 1958, where he began his campaign for workers' rights by encouraging the Latinx community to register and exercise their right to vote; and

WHEREAS, in 1962, Cesar Chavez co-founded the National Farm Workers Association with Dolores Huerta, which later expanded nationally to become the United Farm Workers of America; and

WHEREAS, Cesar Chavez was a leader of non-violent protests, boycotts, and strikes that rallied millions to "La Causa," including a five-year grape-pickers' strike that, in 1970, was successful in gaining fair wages for thousands of workers; and

WHEREAS, the work of Cesar Chavez's national and international campaigns led to the abolishment of the Bracero Program, which resulted in higher wages and improved safety, health, and other working conditions for farm workers, brought attention to discrimination faced by farm workers, and established collective bargaining agreements that covered an estimated 80,000 farm workers across the nation; and

WHEREAS, Cesar Chavez held fasts as a peaceful tactic to continue to bring attention to the plight of farm workers in the United States; and

WHEREAS, Cesar Chavez passed away on April 23, 1993, at the age of 66 in Arizona and more than 50,000 people attended his funeral at the United Farm Workers of America headquarters in Keene, California; and

WHEREAS, on August 8, 1994, Cesar Chavez was posthumously awarded the Presidential Medal of Freedom by President Bill Clinton, and portraits and artwork depicting Chavez now hang in the National Portrait Gallery in Washington, D.C.; and

WHEREAS, the legacy of Cesar Chavez lives on in the mission of the United Farm Workers of America, the continued work and advocacy of his descendants, and the millions of people around the world who continue his peaceful calls for a more just and equal society and are inspired by his leadership to work for improvements in workers' rights, human rights, and civil rights worldwide.

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

1. That the Nebraska Legislature joins numerous states and communities by designating March 31, 2017, as Cesar Chavez Day in Nebraska.
2. That the Nebraska Legislature recognizes the accomplishments and service of farm workers in Nebraska and across the country.
3. That the Nebraska Legislature encourages Nebraskans to participate in community service projects and events to celebrate Cesar Chavez's life and work.

Laid over.

#### AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB576:

AM399

- 1 1. Strike original section 1 and insert the following new sections:
- 2 Section 1. Section 77-1301, Revised Statutes Cumulative Supplement,
- 3 2016, is amended to read:
- 4 77-1301 (1) Except as provided in subsection (2) of this section,
- 5 all ~~All~~ real property in this state subject to taxation shall be assessed
- 6 as of January 1 at 12:01 a.m., which assessment shall be used as a basis
- 7 of taxation until the next assessment.
- 8 (2)(a) The assessed value of real property as of January 1, 2019,
- 9 shall be the same as such property's assessed value on January 1, 2018,
- 10 plus the cost of any improvements made to the real property since January
- 11 1, 2018, and minus the assessed value on January 1, 2018, of any
- 12 improvements to the real property that have been destroyed or removed
- 13 since January 1, 2018.
- 14 (b) The assessed value of real property as of January 1, 2020, shall
- 15 be the same as such property's assessed value on January 1, 2019, plus
- 16 the cost of any improvements made to the real property since January 1,
- 17 2019, and minus the assessed value on January 1, 2019, of any
- 18 improvements to the real property that have been destroyed or removed
- 19 since January 1, 2019.
- 20 (c) The assessed value of real property as of January 1, 2021, shall
- 21 be the same as such property's assessed value on January 1, 2020, plus
- 22 the cost of any improvements made to the real property since January 1,
- 23 2020, and minus the assessed value on January 1, 2020, of any
- 24 improvements to the real property that have been destroyed or removed
- 25 since January 1, 2020.
- 26 (d) The assessed value of real property as of January 1, 2022, shall
- 27 be the same as such property's assessed value on January 1, 2021, plus

1 the cost of any improvements made to the real property since January 1,  
 2 2021, and minus the assessed value on January 1, 2021, of any  
 3 improvements to the real property that have been destroyed or removed  
 4 since January 1, 2021.

5 (3) (2) Beginning January 1, 2014, in any county with a population  
 6 of at least one hundred fifty thousand inhabitants according to the most  
 7 recent federal decennial census, the county assessor shall provide notice  
 8 of preliminary valuations to real property owners on or before January 15  
 9 of each year. Such notice shall be (a) mailed to the taxpayer or (b)  
 10 published on a web site maintained by the county assessor or by the  
 11 county.

12 (4) (3) The county assessor shall complete the assessment of real  
 13 property on or before March 19 of each year, except beginning January 1,  
 14 2014, in any county with a population of at least one hundred fifty  
 15 thousand inhabitants according to the most recent federal decennial  
 16 census, the county assessor shall complete the assessment of real  
 17 property on or before March 25 of each year.

18 Sec. 2. Original section 77-1301, Revised Statutes Cumulative  
 19 Supplement, 2016, is repealed.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 44A.** 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 44, One Hundred Fifth Legislature, First Session, 2017; and to declare an emergency.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 10.** Placed on Final Reading.

**LEGISLATIVE BILL 10A.** Placed on Final Reading.

**LEGISLATIVE BILL 11.** Placed on Final Reading.

ST2

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Krist amendment, AM302, on page 1, lines 7 and 18, the first comma has been struck.

2. On page 1, line 3, "and the appeal of such transfers" has been inserted after "cases".

**LEGISLATIVE BILL 57.** Placed on Final Reading.

**LEGISLATIVE BILL 62.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 46A.** Considered.

**SENATOR LINDSTROM PRESIDING**

Senator Chambers offered the following motion:

MO62

Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 33:

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

Present and not voting, 15:

Baker	Hansen	Kolowski	Morfeld	Schumacher
Bolz	Harr	Krist	Pansing Brooks	Vargas
Chambers	Howard	McCollister	Quick	Walz

Excused and not voting, 1:

Wishart

The Chambers motion to indefinitely postpone failed with 0 ayes, 33 nays, 15 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO63

Reconsider the vote taken to indefinitely postpone.

**SPEAKER SCHEER PRESIDING**

Senator Chambers asked unanimous consent to withdraw his motion, MO63, to reconsider. No objections. So ordered.

Senator Watermeier offered the following motion:

MO64

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Watermeier moved for a call of the house. The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

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

Voting in the affirmative, 36:

Albrecht	Craighead	Harr	Linehan	Stinner
Blood	Crawford	Hilgers	Lowe	Walz
Bolz	Ebke	Hilkemann	McDonnell	Watermeier
Bostelman	Erdman	Hughes	Murante	Williams
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	Morfeld	Vargas
Hansen	Krist	Pansing Brooks	Wayne
Howard	McCollister	Schumacher	

Excused and not voting, 1:

Wishart

The Watermeier motion to invoke cloture prevailed with 36 ayes, 1 nay, 11 present and not voting, and 1 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 35:

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

Voting in the negative, 3:

Chambers	Krist	Morfeld
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Present and not voting, 10:

Baker	Howard	McCollister	Schumacher	Walz
Hansen	Kolowski	Pansing Brooks	Vargas	Wayne

Excused and not voting, 1:

Wishart

Advanced to Enrollment and Review for Engrossment with 35 ayes, 3 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

### COMMITTEE REPORT(S)

Judiciary

**LEGISLATIVE BILL 558.** Placed on General File.

**LEGISLATIVE BILL 666.** Placed on General File.

**LEGISLATIVE BILL 192.** Placed on General File with amendment. AM457 is available in the Bill Room.

**LEGISLATIVE BILL 307.** Placed on General File with amendment. AM227

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

2 sections:

3 Section 1. Section 33-106, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 33-106 (1) In addition to the ~~judges' judges~~ retirement fund fee

6 provided in section 24-703 and the ~~fees fee~~ provided in section 33-106.03

7 and except as otherwise provided by law, the fees of the clerk of the

8 district court shall be as follows: There shall be a docket fee of forty-

9 two dollars for each civil and criminal case except (a) a case commenced

10 by filing a transcript of judgment as hereinafter provided, (b)

11 proceedings under the Nebraska Workers' Compensation Act and the

12 Employment Security Law, when provision is made for the fees that may be

13 charged, and (c) a criminal case appealed to the district court from any  
14 court inferior thereto as hereinafter provided. There shall be a docket  
15 fee of twenty-five dollars for each case commenced by filing a transcript  
16 of judgment from another court in this state for the purpose of obtaining  
17 a lien. There shall be a docket fee of twenty-seven dollars for each  
18 criminal case appealed to the district court from any court inferior  
19 thereto.

20 (2) In all cases, other than those appealed from an inferior court  
21 or original filings which are within jurisdictional limits of an inferior  
22 court and when a jury is demanded in district court, the docket fee shall  
23 cover all fees of the clerk, except that the clerk shall be paid for each  
24 copy or transcript ordered of any pleading, record, or other paper and  
25 that the clerk shall be entitled to a fee of fifteen dollars for making a  
26 complete record of a case.

27 (3) The fee for making a complete record of a case shall be taxed as  
1 a part of the costs of the case. In all civil cases, except habeas corpus  
2 cases in which a poverty affidavit is filed and approved by the court,  
3 and for all other services, the docket fee or other fee shall be paid by  
4 the party filing the case or requesting the service at the time the case  
5 is filed or the service requested.

6 (4) For any other service which may be rendered or performed by the  
7 clerk but which is not required in the discharge of his or her official  
8 duties, the fee shall be the same as that of a notary public but in no  
9 case less than one dollar.

10 Sec. 2. Section 33-106.03, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 33-106.03 In addition to the fees provided for in sections 33-106  
13 and 33-123, the clerk of the court shall collect an additional fifty  
14 ~~seventy five~~ dollars as a mediation fee and twenty-five dollars as a  
15 child abuse prevention fee for each complaint filed in docket fees for  
16 dissolution of marriage marriages. The ~~fees fee~~ shall be remitted to the  
17 State Treasurer who shall credit the child abuse prevention fee twenty-  
18 five dollars to the Nebraska Child Abuse Prevention Fund and the  
19 mediation fee fifty dollars to the Parenting Act Fund.

20 Sec. 3. Section 33-107.02, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 33-107.02 (1) A mediation docket fee of fifty sixty five dollars and  
23 a civil legal services fee of fifteen dollars shall be collected by the  
24 clerk of the county court or the clerk of the district court for each  
25 paternity determination or parental support proceeding under sections  
26 43-1401 to 43-1418, for each proceeding complaint or action to modify a  
27 decree of dissolution or annulment of marriage, and for each complaint or  
28 action to modify a modification of an award of child support, or a  
29 modification of child custody, parenting time, visitation, or other  
30 access as defined in section 43-2922. Such fees shall be remitted to the  
31 State Treasurer on forms prescribed by the State Treasurer within ten  
1 days after the close of each month. The civil legal services fee Fifteen  
2 dollars shall be credited to the Legal Aid and Services Fund, and the  
3 mediation fee fifty dollars shall be credited to the Parenting Act Fund.



4 (2) Any proceeding filed by a county attorney or an authorized  
 5 attorney, ~~as defined in section 43-1704~~, in a case in which services are  
 6 being provided under Title IV-D of the federal Social Security Act, as  
 7 amended, shall not be subject to the provisions of subsection (1) of this  
 8 section. In any such proceeding, a mediation fee of fifty dollars and a  
 9 civil legal services fee of fifteen dollars shall be collected by the  
 10 clerk of the county court or the clerk of the district court for any  
 11 pleading in such proceeding filed by any party, other than a county  
 12 attorney or authorized attorney, subsequent to the paternity filing if  
 13 such pleading is to modify an award of child support or to establish or  
 14 modify custody, parenting time, visitation, or other access as defined in  
 15 section 43-2922. Such fees shall be remitted to the State Treasurer on  
 16 forms prescribed by the State Treasurer within ten days after the close  
 17 of each month. The mediation fee shall be credited to the Parenting Act  
 18 Fund and the civil legal services fee shall be credited to the Legal Aid  
 19 and Services Fund.

20 (3) For purposes of this section, authorized attorney has the same  
 21 meaning as in section 43-1704.

22 Sec. 4. Section 43-1906, Reissue Revised Statutes of Nebraska, is  
 23 amended to read:

24 43-1906 (1) There is hereby established the Nebraska Child Abuse  
 25 Prevention Fund. The additional child abuse prevention docket fee as  
 26 provided in section 33-106.03, the additional charge for supplying a  
 27 certified copy of the record of any birth as provided in sections 71-612,  
 28 71-617.15, 71-627, and 71-628, and all amounts which may be received from  
 29 grants, gifts, bequests, the federal government, or other sources granted  
 30 or given for the purposes specified in sections 43-1901 to 43-1906 shall  
 31 be remitted to the State Treasurer for credit to the Nebraska Child Abuse  
 1 Prevention Fund. The fund shall be administered and disbursed by the  
 2 department.

3 (2) Any money in the fund available for investment shall be invested  
 4 by the state investment officer pursuant to the Nebraska Capital  
 5 Expansion Act and the Nebraska State Funds Investment Act.

6 (3) In any one fiscal year, no more than twenty percent of the  
 7 annually appropriated funds shall be disbursed to any one agency,  
 8 organization, or individual.

9 (4) Funds allocated from the fund shall only be used for purposes  
 10 authorized under sections 43-1901 to 43-1906 and shall not be used to  
 11 supplant any existing governmental program or service. No grants may be  
 12 made to any state department or agency.

13 Sec. 5. Original sections 33-106, 33-106.03, 33-107.02, and  
 14 43-1906, Reissue Revised Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 556.** Placed on General File with amendment.  
 AM664

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

3 Section 1. Section 28-101, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:

5 28-101 Sections 28-101 to 28-1357, ~~28-1418.01, 28-1429.03~~, and  
6 28-1601 to 28-1603 and section 3 of this act shall be known and may be  
7 cited as the Nebraska Criminal Code.

8 Sec. 2. Section 28-1201, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 28-1201 For purposes of sections 28-1201 to 28-1212.04 and section 3  
11 of this act, unless the context otherwise requires:

12 (1) Facsimile firearm means any replica, toy, starter pistol, or  
13 other object that bears a reasonable resemblance to or that reasonably  
14 can be perceived to be an actual firearm;

15 (2) ~~(1)~~ Firearm means any weapon which is designed to or may readily  
16 be converted to expel any projectile by the action of an explosive or  
17 frame or receiver of any such weapon;

18 (3) ~~(2)~~ Fugitive from justice means any person who has fled or is  
19 fleeing from any peace officer to avoid prosecution or incarceration for  
20 a felony;

21 (4) ~~(3)~~ Handgun means any firearm with a barrel less than sixteen  
22 inches in length or any firearm designed to be held and fired by the use  
23 of a single hand;

24 (5) ~~(4)~~ Juvenile means any person under the age of eighteen years;

25 (6) ~~(5)~~ Knife means any dagger, dirk, knife, or stiletto with a  
26 blade over three and one-half inches in length or any other dangerous  
27 instrument capable of inflicting cutting, stabbing, or tearing wounds;

1 (7) ~~(6)~~ Knuckles and brass or iron knuckles means any instrument  
2 that consists of finger rings or guards made of a hard substance and that  
3 is designed, made, or adapted for the purpose of inflicting serious  
4 bodily injury or death by striking a person with a fist enclosed in the  
5 knuckles;

6 (8) ~~(7)~~ Machine gun means any firearm, whatever its size and usual  
7 designation, that shoots automatically more than one shot, without manual  
8 reloading, by a single function of the trigger;

9 (9) ~~(8)~~ School means a public, private, denominational, or parochial  
10 elementary, vocational, or secondary school, a private postsecondary  
11 career school as defined in section 85-1603, a community college, a  
12 public or private college, a junior college, or a university;

13 (10) ~~(9)~~ Short rifle means a rifle having a barrel less than sixteen  
14 inches long or an overall length of less than twenty-six inches; and

15 (11) ~~(10)~~ Short shotgun means a shotgun having a barrel or barrels  
16 less than eighteen inches long or an overall length of less than twenty-  
17 six inches.

18 Sec. 3. (1) Any person who uses a facsimile firearm or  
19 nonfunctioning firearm to commit a felony commits the offense of use of a  
20 facsimile firearm or nonfunctioning firearm to commit a felony.

21 (2) Use of a facsimile firearm or nonfunctioning firearm to commit a  
22 felony is a Class IIA felony.

23 (3) Use of a facsimile firearm or nonfunctioning firearm to commit a  
24 felony shall be treated as a separate and distinct offense from the  
25 felony being committed, and a sentence imposed under this section shall  
26 be consecutive to any other sentence imposed.

27 (4) For purposes of this section, use of a facsimile firearm or  
28 nonfunctioning firearm includes the employment of such firearm or visible  
29 display of any part of such firearm during, immediately prior to, or  
30 immediately after the commission of a felony.

31 Sec. 4. Section 28-1351, Reissue Revised Statutes of Nebraska, is  
1 amended to read:

2 28-1351 (1) A person commits the offense of unlawful membership  
3 recruitment into an organization or association when he or she knowingly  
4 and intentionally coerces, intimidates, threatens, or inflicts bodily  
5 harm upon another person in order to entice that other person to join or  
6 prevent that other person from leaving any organization, group,  
7 enterprise, or association whose members, individually or collectively,  
8 engage in or have engaged in any of the following criminal acts for the  
9 benefit of, at the direction of, or on behalf of the organization, group,  
10 enterprise, or association or any of its members:

11 (a) Robbery under section 28-324;

12 (b) Arson in the first, second, or third degree under section  
13 28-502, 28-503, or 28-504, respectively;

14 (c) Burglary under section 28-507;

15 (d) Murder in the first degree, murder in the second degree, or  
16 manslaughter under section 28-303, 28-304, or 28-305, respectively;

17 (e) Violations of the Uniform Controlled Substances Act that involve  
18 possession with intent to deliver, distribution, delivery, or manufacture  
19 of a controlled substance;

20 (f) Unlawful use, possession, or discharge of a firearm, facsimile  
21 firearm, nonfunctioning firearm, or other deadly weapon under sections  
22 28-1201 to 28-1212.04 and section 3 of this act;

23 (g) Assault in the first degree or assault in the second degree  
24 under section 28-308 or 28-309, respectively;

25 (h) Assault on an officer, an emergency responder, a state  
26 correctional employee, a Department of Health and Human Services  
27 employee, or a health care professional in the first, second, or third  
28 degree under section 28-929, 28-930, or 28-931, respectively, or assault  
29 on an officer, an emergency responder, a state correctional employee, a  
30 Department of Health and Human Services employee, or a health care  
31 professional using a motor vehicle under section 28-931.01;

1 (i) Theft by unlawful taking or disposition under section 28-511;

2 (j) Theft by receiving stolen property under section 28-517;

3 (k) Theft by deception under section 28-512;

4 (l) Theft by extortion under section 28-513;

5 (m) Kidnapping under section 28-313;

6 (n) Any forgery offense under sections 28-602 to 28-605;

7 (o) Criminal impersonation under section 28-638;

8 (p) Tampering with a publicly exhibited contest under section  
9 28-614;

10 (q) Unauthorized use of a financial transaction device or criminal  
11 possession of a financial transaction device under section 28-620 or  
12 28-621, respectively;

13 (r) Pandering under section 28-802;

14 (s) Bribery, bribery of a witness, or bribery of a juror under  
15 section 28-917, 28-918, or 28-920, respectively;  
16 (t) Tampering with a witness or an informant or jury tampering under  
17 section 28-919;  
18 (u) Unauthorized application of graffiti under section 28-524;  
19 (v) Dogfighting, cockfighting, bearbaiting, or pitting an animal  
20 against another under section 28-1005; or  
21 (w) Promoting gambling in the first degree under section 28-1102.  
22 (2) Unlawful membership recruitment into an organization or  
23 association is a Class IV felony.  
24 Sec. 5. Section 28-1354, Reissue Revised Statutes of Nebraska, is  
25 amended to read:  
26 28-1354 For purposes of the Public Protection Act:  
27 (1) Enterprise means any individual, sole proprietorship,  
28 partnership, corporation, trust, association, or any legal entity, union,  
29 or group of individuals associated in fact although not a legal entity,  
30 and shall include illicit as well as licit enterprises as well as other  
31 entities;  
1 (2) Pattern of racketeering activity means a cumulative loss for one  
2 or more victims or gains for the enterprise of not less than one thousand  
3 five hundred dollars resulting from at least two acts of racketeering  
4 activity, one of which occurred after August 30, 2009, and the last of  
5 which occurred within ten years, excluding any period of imprisonment,  
6 after the commission of a prior act of racketeering activity;  
7 (3) Until January 1, 2017, person means any individual or entity, as  
8 defined in section 21-2014, holding or capable of holding a legal,  
9 equitable, or beneficial interest in property. Beginning January 1, 2017,  
10 person means any individual or entity, as defined in section 21-214,  
11 holding or capable of holding a legal, equitable, or beneficial interest  
12 in property;  
13 (4) Prosecutor includes the Attorney General of the State of  
14 Nebraska, the deputy attorney general, assistant attorneys general, a  
15 county attorney, a deputy county attorney, or any person so designated by  
16 the Attorney General, a county attorney, or a court of the state to carry  
17 out the powers conferred by the act;  
18 (5) Racketeering activity includes the commission of, criminal  
19 attempt to commit, conspiracy to commit, aiding and abetting in the  
20 commission of, aiding in the consummation of, acting as an accessory to  
21 the commission of, or the solicitation, coercion, or intimidation of  
22 another to commit or aid in the commission of any of the following:  
23 (a) Offenses against the person which include: Murder in the first  
24 degree under section 28-303; murder in the second degree under section  
25 28-304; manslaughter under section 28-305; assault in the first degree  
26 under section 28-308; assault in the second degree under section 28-309;  
27 assault in the third degree under section 28-310; terroristic threats  
28 under section 28-311.01; kidnapping under section 28-313; false  
29 imprisonment in the first degree under section 28-314; false imprisonment  
30 in the second degree under section 28-315; sexual assault in the first  
31 degree under section 28-319; and robbery under section 28-324;

1 (b) Offenses relating to controlled substances which include: To  
2 unlawfully manufacture, distribute, deliver, dispense, or possess with  
3 intent to manufacture, distribute, deliver, or dispense a controlled  
4 substance under subsection (1) of section 28-416; possession of marijuana  
5 weighing more than one pound under subsection (12) of section 28-416;  
6 possession of money used or intended to be used to facilitate a violation  
7 of subsection (1) of section 28-416 prohibited under subsection (17) of  
8 section 28-416; any violation of section 28-418; to unlawfully  
9 manufacture, distribute, deliver, or possess with intent to distribute or  
10 deliver an imitation controlled substance under section 28-445;  
11 possession of anhydrous ammonia with the intent to manufacture  
12 methamphetamine under section 28-451; and possession of ephedrine,  
13 pseudoephedrine, or phenylpropanolamine with the intent to manufacture  
14 methamphetamine under section 28-452;

15 (c) Offenses against property which include: Arson in the first  
16 degree under section 28-502; arson in the second degree under section  
17 28-503; arson in the third degree under section 28-504; burglary under  
18 section 28-507; theft by unlawful taking or disposition under section  
19 28-511; theft by shoplifting under section 28-511.01; theft by deception  
20 under section 28-512; theft by extortion under section 28-513; theft of  
21 services under section 28-515; theft by receiving stolen property under  
22 section 28-517; criminal mischief under section 28-519; and unlawfully  
23 depriving or obtaining property or services using a computer under  
24 section 28-1344;

25 (d) Offenses involving fraud which include: Burning to defraud an  
26 insurer under section 28-505; forgery in the first degree under section  
27 28-602; forgery in the second degree under section 28-603; criminal  
28 possession of a forged instrument under section 28-604; criminal  
29 possession of written instrument forgery devices under section 28-605;  
30 criminal impersonation under section 28-638; identity theft under section  
31 28-639; identity fraud under section 28-640; false statement or book  
1 entry under section 28-612; tampering with a publicly exhibited contest  
2 under section 28-614; issuing a false financial statement for purposes of  
3 obtaining a financial transaction device under section 28-619;  
4 unauthorized use of a financial transaction device under section 28-620;  
5 criminal possession of a financial transaction device under section  
6 28-621; unlawful circulation of a financial transaction device in the  
7 first degree under section 28-622; unlawful circulation of a financial  
8 transaction device in the second degree under section 28-623; criminal  
9 possession of a blank financial transaction device under section 28-624;  
10 criminal sale of a blank financial transaction device under section  
11 28-625; criminal possession of a financial transaction forgery device  
12 under section 28-626; unlawful manufacture of a financial transaction  
13 device under section 28-627; laundering of sales forms under section  
14 28-628; unlawful acquisition of sales form processing services under  
15 section 28-629; unlawful factoring of a financial transaction device  
16 under section 28-630; and fraudulent insurance acts under section 28-631;

17 (e) Offenses involving governmental operations which include: Abuse  
18 of public records under section 28-911; perjury or subornation of perjury

19 under section 28-915; bribery under section 28-917; bribery of a witness  
20 under section 28-918; tampering with a witness or informant or jury  
21 tampering under section 28-919; bribery of a juror under section 28-920;  
22 assault on an officer, an emergency responder, a state correctional  
23 employee, a Department of Health and Human Services employee, or a health  
24 care professional in the first degree under section 28-929; assault on an  
25 officer, an emergency responder, a state correctional employee, a  
26 Department of Health and Human Services employee, or a health care  
27 professional in the second degree under section 28-930; assault on an  
28 officer, an emergency responder, a state correctional employee, a  
29 Department of Health and Human Services employee, or a health care  
30 professional in the third degree under section 28-931; and assault on an  
31 officer, an emergency responder, a state correctional employee, a  
1 Department of Health and Human Services employee, or a health care  
2 professional using a motor vehicle under section 28-931.01;  
3 (f) Offenses involving gambling which include: Promoting gambling in  
4 the first degree under section 28-1102; possession of gambling records  
5 under section 28-1105; gambling debt collection under section 28-1105.01;  
6 and possession of a gambling device under section 28-1107;  
7 (g) Offenses relating to firearms, weapons, and explosives which  
8 include: Carrying a concealed weapon under section 28-1202;  
9 transportation or possession of machine guns, short rifles, or short  
10 shotguns under section 28-1203; unlawful possession of a handgun under  
11 section 28-1204; unlawful transfer of a firearm to a juvenile under  
12 section 28-1204.01; using a deadly weapon to commit a felony or  
13 possession of a deadly weapon during the commission of a felony under  
14 section 28-1205; use of a facsimile firearm or nonfunctioning firearm to  
15 commit a felony under section 3 of this act; possession of a deadly  
16 weapon by a prohibited person under section 28-1206; possession of a  
17 defaced firearm under section 28-1207; defacing a firearm under section  
18 28-1208; unlawful discharge of a firearm under section 28-1212.02;  
19 possession, receipt, retention, or disposition of a stolen firearm under  
20 section 28-1212.03; unlawful possession of explosive materials in the  
21 first degree under section 28-1215; unlawful possession of explosive  
22 materials in the second degree under section 28-1216; unlawful sale of  
23 explosives under section 28-1217; use of explosives without a permit  
24 under section 28-1218; obtaining an explosives permit through false  
25 representations under section 28-1219; possession of a destructive device  
26 under section 28-1220; threatening the use of explosives or placing a  
27 false bomb under section 28-1221; using explosives to commit a felony  
28 under section 28-1222; using explosives to damage or destroy property  
29 under section 28-1223; and using explosives to kill or injure any person  
30 under section 28-1224;  
31 (h) Any violation of the Securities Act of Nebraska pursuant to  
1 section 8-1117;  
2 (i) Any violation of the Nebraska Revenue Act of 1967 pursuant to  
3 section 77-2713;  
4 (j) Offenses relating to public health and morals which include:  
5 Prostitution under section 28-801; pandering under section 28-802;

6 keeping a place of prostitution under section 28-804; labor trafficking,  
 7 sex trafficking, labor trafficking of a minor, or sex trafficking of a  
 8 minor under section 28-831; a violation of section 28-1005; and any act  
 9 relating to the visual depiction of sexually explicit conduct prohibited  
 10 in the Child Pornography Prevention Act; and  
 11 (k) A violation of the Computer Crimes Act;  
 12 (6) State means the State of Nebraska or any political subdivision  
 13 or any department, agency, or instrumentality thereof; and  
 14 (7) Unlawful debt means a debt of at least one thousand five hundred  
 15 dollars:  
 16 (a) Incurred or contracted in gambling activity which was in  
 17 violation of federal law or the law of the state or which is  
 18 unenforceable under state or federal law in whole or in part as to  
 19 principal or interest because of the laws relating to usury; or  
 20 (b) Which was incurred in connection with the business of gambling  
 21 in violation of federal law or the law of the state or the business of  
 22 lending money or a thing of value at a rate usurious under state law if  
 23 the usurious rate is at least twice the enforceable rate.  
 24 Sec. 6. Original sections 28-101, 28-1201, 28-1351, and 28-1354,  
 25 Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Laura Ebke, Chairperson

**COMMITTEE REPORT(S)**  
 Enrollment and Review

**LEGISLATIVE BILL 113.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**  
 Judiciary

**LEGISLATIVE BILL 622.** Placed on General File with amendment.  
 AM697 is available in the Bill Room.

(Signed) Laura Ebke, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Hilgers filed the following amendment to LB257:  
 AM502

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. (1) For purposes of this section, real estate licensee  
 4 means a broker or salesperson who is licensed under the Nebraska Real  
 5 Estate License Act.  
 6 (2) Any action to recover damages based on any act or omission of a  
 7 real estate licensee relating to real estate brokerage services shall be

8 commenced within two years after whichever of the following occurs first  
9 with respect to such brokerage services: (a) A transaction is completed  
10 or closed; (b) an agency agreement is terminated; or (c) an unconsummated  
11 transaction is terminated or expires. Such two-year period shall not be  
12 reduced by agreement and shall not apply to disciplinary actions  
13 initiated by the State Real Estate Commission.  
14 (3) If the cause of action described in subsection (2) of this  
15 section is not discovered and could not be reasonably discovered within  
16 the two-year period described in such subsection, then the action may be  
17 commenced within one year from the date of such discovery or from the  
18 date of discovery of facts which would reasonably lead to such discovery,  
19 whichever is earlier, except that in no event may any such action be  
20 commenced more than ten years after the date of rendering or failing to  
21 render the brokerage services which provide the basis for the cause of  
22 action.

23 Sec. 2. The Revisor of Statutes shall assign section 1 of this act  
24 to Chapter 25, article 2.

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Hilkemann name added to LB576.  
Senator Clements name added to LR6.

#### **VISITOR(S)**

Visitors to the Chamber were Senator Clements' daughter and grandchildren, Mary, Savannah, and Alex Humphries, from Marysville, KS.

The Doctor of the Day was Dr. Russ Ebke from Crete.

#### **ADJOURNMENT**

At 11:54 a.m., on a motion by Senator Brasch, the Legislature adjourned until 9:00 a.m., Tuesday, March 21, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-FIRST DAY - MARCH 21, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**FIFTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
 Tuesday, March 21, 2017

**PRAYER**

The prayer was offered by Senator Watermeier.

**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, Harr, Murante, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fiftieth day was approved.

**COMMITTEE REPORT(S)**  
 Enrollment and Review

**LEGISLATIVE BILL 16.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**  
 Appropriations

**LEGISLATIVE BILL 611.** Placed on General File with amendment.  
 AM655

- 1 1. Strike original sections 1 and 3.
- 2 2. On page 2, strike beginning with "The" in line 27 through the
- 3 period in line 29 and insert "All agencies of the state government for
- 4 which the Legislature appropriates funds, other than the University of
- 5 Nebraska or the Nebraska state colleges, shall submit a federal funding
- 6 inventory to the office of the Director of Administrative Services on or
- 7 before September 15 of each even-numbered year."
- 8 3. Renumber the remaining section accordingly.

(Signed) John Stinner, Chairperson

## Nebraska Retirement Systems

The Nebraska Retirement Systems 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 D. Schulz - Public Employees Retirement Board

Aye: 6 Bolz, Groene, Kolowski, Kolterman, Lindstrom, Stinner. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Mark Kolterman, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 63 and 64 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 63 and 64.

**GENERAL FILE**

**LEGISLATIVE BILL 148.** Title read. Considered.

Senator Schumacher offered his amendment, AM192, found on page 542.

The Schumacher amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 590.** Title read. Considered.

Committee AM200, found on page 484, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 271.** Title read. Considered.

**SPEAKER SCHEER PRESIDING**

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 207.** Title read. Considered.

Committee AM23, found on page 368, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Krist offered his amendment, AM507, found on page 635.

The Krist amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

**LB/LR**      **Committee**  
LR71        Government, Military and Veterans Affairs

(Signed) Dan Watermeier, Chairperson  
Executive Board

#### **COMMITTEE REPORT(S)**

Business and Labor

**LEGISLATIVE BILL 420.** Placed on General File with amendment.  
AM553

1 1. On page 4, line 2, strike "or", show as stricken, and insert "  
2 an" and after "unit" insert ", or a private, denominational, or parochial  
3 school which meets the requirements for legal operation prescribed in  
4 Chapter 79".

(Signed) Joni Albrecht, Chairperson

#### **AMENDMENT(S) - Print in Journal**

Senator Smith filed the following amendment to LB233:  
AM707 is available in the Bill Room.

#### **NOTICE OF COMMITTEE HEARING(S)**

Revenue

Room 2102

Tuesday, March 28, 2017 1:30 p.m.

AM707 to LB233

(Signed) Jim Smith, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 335.** Title read. Considered.

Senator Krist offered the following amendment:

AM703

1 1. Insert the following new section:

2 Sec. 3. Since an emergency exists, this act takes effect when passed  
3 and approved according to law.

4 2. On page 2, lines 6 and 7, strike the new matter; in line 10

5 strike "and", show as stricken, and insert an underscored comma; and in

6 line 15 after "system" insert ", and (3) for the fiscal years beginning

7 on July 1, 2017, and on July 1, 2018, such rate may not be less than the

8 fftieth percentile or the rate for the immediately preceding fiscal

9 year".

**SENATOR CRAIGHEAD PRESIDING**

**SENATOR LINDSTROM PRESIDING**

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Senator Krist moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Krist amendment was adopted with 27 ayes, 14 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO65

Indefinitely postpone.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 46.** Placed on Final Reading.

**LEGISLATIVE BILL 46A.** Placed on Final Reading.

**LEGISLATIVE BILL 140.** Placed on Final Reading.

ST3

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 17, "21-1770," has been inserted after the first comma; and in line 20 "8-1,140," has been inserted after "8-167.01,", "8-355," has been inserted after "8-318,", and "21-17,115," has been inserted after "9-701,".

2. On page 2, line 3, "to change provisions relating to executive officer license revocation and suspension, provide a civil penalty, and provide for an exemption from the license requirement as prescribed;" has been inserted after the semicolon; in line 15 "redefine a term" has been struck and "define and redefine terms" inserted; in line 16 "; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to credit union loan officer licenses" has been inserted after "applicability" and "to provide operative dates;" has been inserted after the second semicolon; in line 17 "and" has been struck; and in line 19 "; and to declare an emergency" has been inserted after "Nebraska".

3. On page 94, line 1, an underscored comma has been inserted after the reinstated "department".

(Signed) Anna Wishart, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Bolz filed the following amendment to LB518:

AM716

(Amendments to Standing Committee amendments, AM424)

1 1. On page 5, line 6, strike "ten" and insert "seven".

Senator Albrecht filed the following amendment to LB447:

AM701

(Amendments to AM546)

1 1. On page 5, lines 21 and 23, strike "forty" and show as stricken;  
2 and in lines 23 and 26, strike "twenty-eight", show as stricken, and  
3 insert "twenty".

Senator Geist filed the following amendment to LB447:

AM699

(Amendments to AM546)

1 1. On page 4, line 30, strike "forty" and show as stricken.  
2 2. On page 5, lines 1 and 4, strike "twenty-eight", show as  
3 stricken, and insert "twenty"; and in line 1 strike "forty" and show as  
4 stricken.

Senator Brewer filed the following amendment to LB447:

AM702

(Amendments to AM546)

1 1. On page 6, lines 2 and 4, strike "forty" and show as stricken;  
2 and in lines 4 and 7, strike "twenty-eight", show as stricken, and insert  
3 "twenty".

Senator Halloran filed the following amendment to LB447:  
AM700

(Amendments to AM546)

1 1. On page 5, lines 10 and 12, strike "forty" and show as stricken;  
2 and in lines 12 and 15 strike "twenty-eight", show as stricken, and  
3 insert "twenty".

**COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 83.** Placed on General File.

(Signed) Curt Friesen, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Brewer name added to LB14.  
Senator McCollister name added to LR26.

**VISITOR(S)**

Visitors to the Chamber were 12 students of a home school group from Hastings; Senator Hilkemann's cousins, Larry and Judy Hilkemann, from Norfolk; and members of Catholics at the Capitol from across the state.

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

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Quick, the Legislature adjourned until 9:00 a.m., Wednesday, March 22, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-SECOND DAY - MARCH 22, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 22, 2017

**PRAYER**

The prayer was offered by Senator Walz.

**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, Stinner, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-first day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 148.** Placed on Select File with amendment.  
ER21

- 1 1. On page 27, line 10, strike "and" and show as stricken.
- 2 2. On page 37, line 20; and page 45, line 12, strike "subsection"  
3 and insert "subdivision".
- 4 3. On page 37, line 29, after the underscored semicolon insert "or".
- 5 4. On page 42, line 14, reinstate the stricken "unless"; and in line  
6 23 strike "or" and show as stricken.
- 7 5. On page 43, line 6, after the semicolon insert "or".
- 8 6. On page 45, line 21, strike "this subsection", show the old  
9 matter as stricken, and insert "subdivision (8)(a) of this section".
- 10 7. On page 61, lines 3 and 5, reinstate the last stricken comma.
- 11 8. On page 65, line 29; and page 68, line 14, strike the first  
12 "director", show as stricken, and insert "Director of Banking and  
13 Finance".

**LEGISLATIVE BILL 590.** Placed on Select File with amendment.

ER19

- 1 1. On page 1, line 4, strike "and"; and in line 5 after "sections"
- 2 insert "; and to declare an emergency".

**LEGISLATIVE BILL 271.** Placed on Select File.

**LEGISLATIVE BILL 207.** Placed on Select File with amendment.

ER20

- 1 1. In the Standing Committee amendments, AM23, on page 1, line 4,
- 2 after "Welfare" insert an underscored period.
- 3 2. On page 1, line 3; and page 8, line 2, before "43-4327" insert
- 4 "43-4325,".
- 5 3. On page 2, line 3, strike "6" and insert "7".

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 217.** Placed on General File with amendment.

AM634 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

Business and Labor

**LEGISLATIVE BILL 171.** Placed on General File with amendment.

AM672

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. The following sum of money, or so much thereof as may be
- 4 required, is hereby appropriated from the General Fund or from other
- 5 funds as indicated in the state treasury, not otherwise appropriated, for
- 6 the payment of a claim arising out of miscellaneous items of indebtedness
- 7 owing by the State of Nebraska.
- 8 \$394,853.25 for Miscellaneous Claim Number 2017-16605, against the
- 9 State of Nebraska, pay to Nebraska Press Advertising Service, 845 "S"
- 10 Street, Lincoln, NE 68508-1266, out of the General Fund.
- 11 The claim included in this section shall be paid through Program 536
- 12 in Agency 65.
- 13 For informational purposes only, the appropriation contained in this
- 14 section and fund source:
- 15 

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
16 <u>GENERAL FUND</u>	<u>\$394,853.25</u>
17 <u>CASH FUND</u>	<u>\$-0-</u>
18 <u>REVOLVING FUND</u>	<u>\$-0-</u>
19 <u>TOTAL</u>	<u>\$394,853.25</u>
- 20 Sec. 2. The following sums of money, or so much thereof as may be



21 required, are hereby appropriated from the General Fund or from other  
 22 funds as indicated in the state treasury, not otherwise appropriated, for  
 23 the payment of tort claims which have been settled by the State Claims  
 24 Board and approved by the district court, which have been settled by the  
 25 Attorney General in the district court, or in which court judgments have  
 26 been entered and which require the approval of the Legislature for  
 27 payment.

1 \$25,000.00 for Tort Claim Number 2015-14090, against the State of  
 2 Nebraska, pay to Pete Klein Trucking, Inc., and National Fire & Marine  
 3 Insurance Company, Todd Vetter, Fitzgerald, Vetter & Temple, 1002  
 4 Riverside Blvd. Suite 200, P.O. Box 1407, Norfolk, NE 68702-1407, out of  
 5 the Roads Operations Cash Fund.

6 \$123,000.00 for Tort Claim Number 2015-14235, against the State of  
 7 Nebraska, pay to Cory Ditter, Personal Representative of the Estate of  
 8 David L. Schmid and Sipple, Hansen, Emerson, Schumacher & Klutman, Eugene  
 9 Schumacher, Sipple, Hansen, Emerson, Schumacher & Klutman, 2503 13th  
 10 Street, P.O. Box 1305, Columbus, NE 68602, out of the Roads Operations  
 11 Cash Fund.

12 \$178,000.00 for Tort Claim Number 2015-14735, against the State of  
 13 Nebraska, pay to Alyson Lincoln, Administrator of the Estate of Derek  
 14 Wrase and Sibbersen, Strigenz & Sibbersen, P.C., Terry Sibbersen,  
 15 Sibbersen, Strigenz & Sibbersen, CenturyLink Building, 1111 North 102nd  
 16 Court, Suite 330, Omaha, NE 68114, out of the Roads Operations Cash Fund.

17 \$1,750,000.00 for Tort Claim Number 2015-14747, against the State of  
 18 Nebraska, pay to Brandon Wolf and Kristopher Madsen, Kristopher K.  
 19 Madsen, Stuart Tinley Law Firm LLP, CenturyLink Building, 310 West  
 20 Kanesville Blvd., 2nd Floor, P.O. Box 398, Council Bluffs, IA 51502, out  
 21 of the Roads Operations Cash Fund.

22 The claims included in this section shall be paid through Program  
 23 591 in Agency 65.

24 For informational purposes only, the appropriations contained in  
 25 this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
27 <u>GENERAL FUND</u>	<u>\$-0-</u>
28 <u>CASH FUND</u>	<u>\$2,076,000.00</u>
29 <u>REVOLVING FUND</u>	<u>\$-0-</u>
30 <u>TOTAL</u>	<u>\$2,076,000.00</u>

1 Sec. 3. The following sums of money, or so much thereof as may be  
 2 required, are hereby appropriated from the General Fund or from other  
 3 funds as indicated in the state treasury, not otherwise appropriated, for  
 4 the payment of workers' compensation claims which have been settled by  
 5 the Attorney General in the Nebraska Workers' Compensation Court or in  
 6 which court judgments have been entered and which require the approval of  
 7 the Legislature for payment.

8 \$50,000.00 for a workers' compensation claim, pay to David Hayes and  
 9 Christa Binstock, Attorney General's Office, Attn: Lisa Martin-Price,  
 10 2115 State Capitol, Lincoln, NE 68509, out of the Workers' Compensation  
 11 Claims Revolving Fund.

12 \$50,000.00 for a workers' compensation claim, pay to Russell

13 Schneider and Hauptman, O'Brien, Wolf & Lathrop, P.C., Attorney General's  
 14 Office, Attn: Lisa Martin-Price, 2115 State Capitol, Lincoln, NE 68509,  
 15 out of the Workers' Compensation Claims Revolving Fund.

16 The claims included in this section shall be paid through Program  
 17 593 in Agency 65.

18 For informational purposes only, the appropriations contained in  
 19 this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
21 <u>GENERAL FUND</u>	<u>\$-0-</u>
22 <u>CASH FUND</u>	<u>\$-0-</u>
23 <u>REVOLVING FUND</u>	<u>\$100,000.00</u>
24 <u>TOTAL</u>	<u>\$100,000.00</u>

25 Sec. 4. The following sums of money, or so much thereof as may be  
 26 required, are hereby appropriated from the General Fund or from other  
 27 funds as indicated in the state treasury, not otherwise appropriated, for  
 28 the payment of tort claims which have been settled by the State Claims  
 29 Board and approved by the district court, which have been settled by the  
 30 Attorney General in the district court, or in which court judgments have  
 1 been entered and which require the approval of the Legislature for  
 2 payment.

3 \$100,000.00 for Tort Claim Number 2014-13226, against the State of  
 4 Nebraska, pay to Kelly Schneider and William Pfeffer Law Office, Engles,  
 5 Ketcham, Olson, Keith, P.C., Attn: Robert S. Keith, 1700 Farnam Street,  
 6 1350 Woodmen Tower, Omaha, NE 68102, out of the State Insurance Fund.  
 7 \$75,000.00 for Tort Claim Number 2016-15518, against the State of  
 8 Nebraska, pay to Dannie Fielder and the Abboud Law Firm, The Abboud Law  
 9 Firm, 6530 South 84th Street, Omaha, NE 68127, out of the State Insurance  
 10 Fund.

11 \$9,661.62 for Tort Claim Number 2016-15820, against the State of  
 12 Nebraska, pay to Farmers Mutual of Nebraska, 501 South 13th Street,  
 13 Lincoln, NE 68508, out of the State Insurance Fund.

14 \$61,250.00 for Tort Claim Number 2016-15676, against the State of  
 15 Nebraska, pay to Blanca Encinas and Rex Moats, 131 South 202nd Street,  
 16 Elkhorn, NE 68022, out of the State Insurance Fund.

17 \$30,000.00 for Tort Claim Number 2016-15678, against the State of  
 18 Nebraska, pay to Emilio Espinoza and Rex Moats, 131 South 202nd Street,  
 19 Elkhorn, NE 68022, out of the State Insurance Fund.

20 \$6,350.00 for Tort Claim Number 2016-15680, against the State of  
 21 Nebraska, pay to Maria Reyna, as Special Conservator for Janessa  
 22 Espinoza, 131 South 202nd Street, Elkhorn, NE 68022, out of the State  
 23 Insurance Fund.

24 \$2,900.00 for Tort Claim Number 2016-15681, against the State of  
 25 Nebraska, pay to Blanca Encinas, as Special Conservator for Ariana  
 26 Espinoza, 131 South 202nd Street, Elkhorn, NE 68022, out of the State  
 27 Insurance Fund.

28 \$2,900.00 for Tort Claim Number 2016-15682, against the State of  
 29 Nebraska, pay to Blanca Encinas, as Special Conservator for Aliyah  
 30 Espinoza, 131 South 202nd Street, Elkhorn, NE 68022, out of the State  
 31 Insurance Fund.

1 \$18,431.36 for Tort Claim Number 2014-13769, against the State of  
 2 Nebraska, pay to American Family Insurance Company, 6000 American  
 3 Parkway, Madison, WI 53783, out of the State Insurance Fund.  
 4 \$65,000.00 for Tort Claim Number 2016-15668, against the State of  
 5 Nebraska, pay to Lynette Burianek, 2205 Southwest 17th Street, Lincoln,  
 6 NE 68522, out of the State Insurance Fund.  
 7 \$104.86 for Tort Claim Number 2016-15810, against the State of  
 8 Nebraska, pay to City of Lincoln, Attn: City Risk Management, 555 South  
 9 10th Street, Suite 302, Lincoln, NE 68508, out of the State Insurance  
 10 Fund.

11 \$6,275.56 for Tort Claim Number 2016-15856, against the State of  
 12 Nebraska, pay to Travelers Insurance, P.O. Box 660339, Dallas, TX  
 13 75266-0339, out of the State Insurance Fund.  
 14 \$21,536.71 for Tort Claim Number 2017-16816, against the State of  
 15 Nebraska, pay to Optuminsight, Inc., 11000 Optum Circle, Eden Prairie, MN  
 16 55344, out of the State Insurance Fund.

17 The claims included in this section shall be paid through Program  
 18 594 in Agency 65.

19 For informational purposes only, the appropriations contained in  
 20 this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
22 <u>GENERAL FUND</u>	<u>\$-0-</u>
23 <u>CASH FUND</u>	<u>\$-0-</u>
24 <u>REVOLVING FUND</u>	<u>\$399,410.11</u>
25 <u>TOTAL</u>	<u>\$399,410.11</u>

26 Sec. 5. The Director of Administrative Services is hereby  
 27 authorized and directed to draw his or her warrants upon the funds in the  
 28 state treasury enumerated in this act, in favor of the several  
 29 beneficiaries named in this act for the amount set opposite their  
 30 respective names, upon the presentation of proper vouchers therefor. The  
 1 several amounts appropriated in this act shall be in full payment of any  
 2 and all claims, rights, causes of action, damages, and demands of every  
 3 character and kind owing by or against the State of Nebraska, its  
 4 officers, agents, and employees, and their successors and assigns with  
 5 respect to each of the beneficiaries respectively in whose favor the  
 6 appropriations are made. The director shall not deliver any warrant for  
 7 any items appropriated in this act until a receipt and release in full,  
 8 releasing the State of Nebraska, its officers, employees, and agents, and  
 9 their successors and assigns, has been filed by each of the beneficiaries  
 10 respectively. Upon presentation of the warrants, the State Treasurer is  
 11 hereby directed to pay the same out of money in the General Fund or out  
 12 of money in other funds indicated in this act not otherwise appropriated.

13 Sec. 6. The following requests were filed by state agencies seeking  
 14 permission to write off certain accounts. The State Claims Board reviewed  
 15 and approved the following requests:

16 \$52.54 for Request Number 2017-16448, made by the Clerk of the  
 17 Legislature.

18 \$6,508.42 for Request Number 2017-16488, made by the Military  
 19 Department.

20 \$8,502.58 for Request Number 2017-16524, made by the Game and Parks  
 21 Commission.  
 22 \$53,534.47 for Request Number 2017-16563, made by the Nebraska  
 23 Public Employees Retirement System.  
 24 \$1,402.76 for Request Number 2017-16566, made by the State Fire  
 25 Marshal.  
 26 \$459.46 for Request Number 2017-16581, made by the Supreme Court.  
 27 \$791,784.20 for Request Number 2017-16582, made by the Department of  
 28 Health and Human Services.  
 29 \$193.86 for Request Number 2017-16588, made by the Department of  
 30 Aeronautics.  
 31 \$74,855.49 for Request Number 2017-16603, made by the Department of  
 1 Roads.  
 2 Sec. 7. Since an emergency exists, this act takes effect when  
 3 passed and approved according to law.

**LEGISLATIVE BILL 363.** Placed on General File with amendment.  
 AM342

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 48-2503, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 48-2503 (1)(a) ~~(+)~~ The Conveyance Advisory Committee is created.  
 6 One member shall be the state elevator inspector appointed pursuant to  
 7 section 48-2512.01. One member shall be the State Fire Marshal or his or  
 8 her designee. The Governor shall appoint the remaining members of the  
 9 committee as follows: One representative from a major elevator  
 10 manufacturing company; one representative from an elevator servicing  
 11 company; one representative who is a building manager; one representative  
 12 who is an elevator mechanic; and, except as provided in subdivision (1)  
 13 (b) of this section, one representative of the general public from each  
 14 county that has a population of more than one hundred thousand  
 15 inhabitants. ~~The committee shall be appointed within ninety days after~~  
 16 ~~January 1, 2008.~~  
 17 (b) On and after the operative date of this section, as the term of  
 18 each representative of the general public from a county that has a  
 19 population of more than one hundred thousand inhabitants expires, the  
 20 Governor shall fill such expired terms with representatives from three  
 21 different counties of the state, one of whom shall reside in a county  
 22 containing a city of the metropolitan class, one of whom shall reside in  
 23 a county that has a population of at least one hundred thousand  
 24 inhabitants but less than four hundred thousand inhabitants, and one of  
 25 whom shall reside in a county that has a population of less than one  
 26 hundred thousand inhabitants. A representative of the general public who  
 27 is serving on the committee on the operative date of this section may be  
 1 eligible for reappointment when his or her term expires if he or she is  
 2 eligible under the criteria established by this subdivision.  
 3 (2) The members of the committee appointed by the Governor shall  
 4 serve for terms of three years, except that of the initial members

5 appointed, two shall serve for terms of one year and three shall serve  
6 for terms of two years. The state elevator inspector and the State Fire  
7 Marshal or his or her designee shall serve continuously. The appointed  
8 members shall be reimbursed for their actual and necessary expenses for  
9 service on the committee as provided in sections 81-1174 to 81-1177. The  
10 members of the committee shall elect a chairperson who shall be the  
11 deciding vote in the event of a tie vote.

12 (3) ~~The committee shall meet and organize within thirty days after~~  
13 ~~the appointment of the members.~~ The committee shall meet quarterly at a  
14 time and place to be fixed by the committee for the consideration of code  
15 regulations and for the transaction of such other business as properly  
16 comes before it. Special meetings may be called by the chairperson or at  
17 the request of two or more members of the committee. Any appointed  
18 committee member absent from three consecutive meetings shall be  
19 dismissed.

20 Sec. 2. Section 48-2504, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 48-2504 The committee:

23 (1) May consult with engineering authorities and organizations  
24 concerned with standard safety codes;

25 (2) Shall recommend to the commissioner rules and regulations  
26 governing the operation, maintenance, servicing, construction,  
27 alteration, installation, and inspection of conveyances;

28 (3) Shall recommend to the commissioner qualifications for licensure  
29 as an elevator mechanic or elevator contractor and conditions for  
30 disciplinary actions, including suspension or revocation of a license;

31 (4) Shall recommend to the commissioner rules and regulations for  
1 temporary and emergency elevator mechanic ~~thirty-day~~ licenses;

2 (5) Shall recommend to the commissioner an enforcement program which  
3 will ensure compliance with the Conveyance Safety Act and the rules and  
4 regulations adopted and promulgated pursuant to the act. The enforcement  
5 program shall include the identification of property locations which are  
6 subject to the act, issuing notifications to violating property owners or  
7 operators, random onsite inspections and tests on existing installations,  
8 and assisting in development of public awareness programs; and

9 (6) Shall make recommendations to the commissioner regarding  
10 variances under section 48-2509, continuing education providers under  
11 section 48-2526, and license disciplinary actions under section 48-2528.

12 Sec. 3. Section 48-2507, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 48-2507 (1) The Conveyance Safety Act applies to the construction,  
15 operation, inspection, testing, maintenance, alteration, and repair of  
16 conveyances. Conveyances include the following equipment, associated  
17 parts, and hoistways which are not exempted under section 48-2508:

18 (a) Hoisting and lowering mechanisms equipped with a car which moves  
19 between two or more landings. This equipment includes elevators;

20 (b) Power driven stairways and walkways for carrying persons between  
21 landings. This equipment includes:

22 (i) Escalators; and

- 23 (ii) Moving sidewalks; and  
24 (c) Hoisting and lowering mechanisms equipped with a car, which  
25 serves two or more landings and is restricted to the carrying of material  
26 by its limited size or limited access to the car. This equipment  
27 includes:  
28 (i) Dumbwaiters;  
29 (ii) Material lifts and dumbwaiters with automatic transfer devices;  
30 and  
31 (iii) Conveyors and related equipment within the scope of American  
1 Society of Mechanical Engineers B20.1.  
2 (2) The act applies to the construction, operation, inspection,  
3 maintenance, alteration, and repair of automatic guided transit vehicles  
4 on guideways with an exclusive right-of-way. This equipment includes  
5 automated people movers.  
6 (3) The act applies to conveyances in private residences ~~located in~~  
7 ~~counties that have a population of more than one hundred thousand~~  
8 ~~inhabitants at the time of installation.~~ Such conveyances are subject to  
9 inspection at installation but are not subject to periodic inspections.  
10 Sec. 4. Section 48-2508, Reissue Revised Statutes of Nebraska, is  
11 amended to read:  
12 48-2508 The Conveyance Safety Act does not apply to:  
13 (1) Conveyances under the jurisdiction and subject to inspection by  
14 the United States Government;  
15 (2) Conveyances used exclusively for agricultural purposes, except  
16 upon the written request of the property owner to the state elevator  
17 inspector;  
18 (3) Personnel hoists within the scope of American National Standards  
19 Institute A10.4;  
20 (4) Material hoists within the scope of American National Standards  
21 Institute A10.5;  
22 (5) Manlifts within the scope of American Society of Mechanical  
23 Engineers A90.1;  
24 (6) Mobile scaffolds, towers, and platforms within the scope of  
25 American National Standards Institute A92;  
26 (7) Powered platforms and equipment for exterior and interior  
27 maintenance within the scope of American National Standards Institute  
28 120.1;  
29 (8) Cranes, derricks, hoists, hooks, jacks, and slings within the  
30 scope of American Society of Mechanical Engineers B30;  
31 (9) Industrial trucks within the scope of American Society of  
1 Mechanical Engineers B56;  
2 (10) Portable equipment, except for portable escalators which are  
3 covered by American National Standards Institute A17.1;  
4 (11) Tiering or piling machines used to move materials to and from  
5 storage located and operating entirely within one story;  
6 (12) Equipment for feeding or positioning materials at machine  
7 tools, printing presses, and similar equipment;  
8 (13) Skip or furnace hoists;  
9 (14) Wharf ramps;

10 (15) Railroad car lifts or dumpers;  
 11 (16) Line jacks, false cars, shafters, moving platforms, and similar  
 12 equipment used for installing a conveyance by an elevator contractor;  
 13 (17) Manlifts, hoists, or conveyances used in grain elevators or  
 14 feed mills;  
 15 (18) Dock levelators; and  
 16 (19) Stairway chair lifts and platform lifts in private  
 17 residences; ~~and~~  
 18 ~~(20) Conveyances in residences located in counties that have a~~  
 19 ~~population of one hundred thousand or less inhabitants.~~  
 20 Sec. 5. Section 48-2512, Reissue Revised Statutes of Nebraska, is  
 21 amended to read:  
 22 48-2512 (1) No person shall wire, alter, replace, remove, or  
 23 dismantle an existing conveyance ~~contained within a building or structure~~  
 24 ~~located in a county that has a population of more than one hundred~~  
 25 ~~thousand inhabitants~~ unless such person is a licensed elevator mechanic  
 26 or he or she is working under the direct supervision of a person who is a  
 27 licensed elevator mechanic. ~~Neither a licensed elevator mechanic nor a~~  
 28 ~~licensed elevator contractor is required to perform nonmechanical~~  
 29 ~~maintenance of a conveyance.~~ Neither a licensed elevator contractor nor a  
 30 licensed elevator mechanic is required for removing or dismantling  
 31 conveyances which are destroyed as a result of a complete demolition of a  
 1 secured building.  
 2 (2) It shall be the responsibility of licensed elevator mechanics  
 3 and licensed elevator contractors to ensure that installation and service  
 4 of a conveyance is performed in compliance with applicable fire and  
 5 safety codes. It shall be the responsibility of the owner of the  
 6 conveyance to ensure that the conveyance is maintained in compliance with  
 7 applicable fire and safety codes.  
 8 (3) All new conveyance installations shall be performed by a  
 9 licensed elevator mechanic under the control of a licensed elevator  
 10 contractor or by a licensed elevator contractor. Subsequent to  
 11 installation, a licensed elevator contractor shall certify compliance  
 12 with the Conveyance Safety Act.  
 13 Sec. 6. Section 48-2516, Reissue Revised Statutes of Nebraska, is  
 14 amended to read:  
 15 48-2516 Upon a conveyance passing an inspection under section  
 16 48-2513, 48-2514, or 48-2515 and receipt of the inspection fee, the  
 17 commissioner shall issue the owner or user of the conveyance a  
 18 certificate of inspection, upon forms prescribed by the commissioner. For  
 19 inspections conducted from January 1, 2018, through December 31, 2018, in  
 20 counties that have a population of one hundred thousand inhabitants or  
 21 less, the certificate of inspection shall notify the owner of the  
 22 licensure requirements provided in the Conveyance Safety Act.  
 23 Sec. 7. Section 48-2529, Reissue Revised Statutes of Nebraska, is  
 24 amended to read:  
 25 48-2529 The commissioner shall adopt and promulgate rules and  
 26 regulations establishing standards and procedures for the issuance of  
 27 temporary and emergency elevator mechanic ~~thirty day~~ licenses and for the

28 extension of such licenses for good cause shown.  
 29 Sec. 8. Sections 1, 2, 3, 4, 5, 7, and 10 of this act become  
 30 operative on January 1, 2019. The other sections of this act become  
 31 operative on their effective date.  
 1 Sec. 9. Original section 48-2516, Reissue Revised Statutes of  
 2 Nebraska, is repealed.  
 3 Sec. 10. Original sections 48-2503, 48-2504, 48-2507, 48-2508,  
 4 48-2512, and 48-2529, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Joni Albrecht, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 76.** Introduced by Brewer, 43.

WHEREAS, the Valentine High School wrestling team won the 2017 Class C State Wrestling Championship; and

WHEREAS, the Badgers set a class record with 195 points, breaking Tekamah-Herman's 1989 record of 192.5 points; and

WHEREAS, the Badgers tied their own state record with 17 pins; and

WHEREAS, the Badgers tied two more Class C State Championship records with the team's nine medalists and four individual champions; and

WHEREAS, the Legislature recognizes that the academic and athletic talent displayed by the Badgers is due in great part to the efforts of Coach Shane Allison and his team of outstanding assistant coaches, who are respected for their ability to develop potential into excellence; and

WHEREAS, the Badgers have established themselves as a team that embodies a brotherhood of athletic ability, of good sportsmanship, of honor, and of scholarship, reflecting favorably on Valentine High School; and

WHEREAS, poised eagerly with enthusiasm and determined purpose, the Badgers now stand honorably, with just pride in their accomplishments and in eager anticipation of future challenges, a sterling example and inspiration to all who would aspire to success.

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

1. That the Legislature congratulates the Valentine High School wrestling team on winning the 2017 Class C State Wrestling Championship and commends Coach Shane Allison for his efforts in teaching and coaching.

2. That a copy of this resolution be sent to the Badgers and Coach Allison.

Laid over.

### AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB97:  
 AM659

1 1. On page 7, line 18, after "thereof" insert "except that  
 2 purchases by an authority shall be subject to state and local sales and  
 3 use taxes".



**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 65, 66, 67, 68, 69, and 70 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 65, 66, 67, 68, 69, and 70.

**GENERAL FILE**

**LEGISLATIVE BILL 335.** Senator Chambers renewed his motion, MO65, found on page 772, to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 4 nays, and 23 not voting.

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

Voting in the affirmative, 3:

Morfeld          Pansing Brooks Quick

Voting in the negative, 34:

Albrecht	Craighead	Halloran	Linehan	Schumacher
Bolz	Crawford	Hilgers	Lowe	Smith
Bostelman	Ebke	Hilkemann	McCollister	Stinner
Brasch	Erdman	Hughes	McDonnell	Vargas
Brewer	Friesen	Kuehn	Murante	Watermeier
Briese	Geist	Larson	Riepe	Williams
Clements	Groene	Lindstrom	Scheer	

Present and not voting, 11:

Baker	Hansen	Kolowski	Wayne
Blood	Harr	Krist	Wishart
Chambers	Howard	Walz	

Excused and not voting, 1:

Kolterman

The Chambers motion to indefinitely postpone failed with 3 ayes, 34 nays, 11 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO66

Reconsider the vote taken to indefinitely postpone.

Senator Chambers asked unanimous consent to withdraw his motion, MO66, to reconsider. No objections. So ordered.

Senator Riepe moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

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

Voting in the affirmative, 31:

Albrecht	Craighead	Hilgers	Linehan	Stinner
Bolz	Ebke	Hilkemann	Lowe	Watermeier
Bostelman	Erdman	Hughes	Murante	Williams
Brasch	Friesen	Kolterman	Riepe	
Brewer	Geist	Krist	Scheer	
Briese	Groene	Kuehn	Schumacher	
Clements	Halloran	Lindstrom	Smith	

Voting in the negative, 10:

Chambers	Howard	Morfeld	Quick	Wayne
Hansen	McDonnell	Pansing Brooks	Vargas	Wishart

Present and not voting, 7:

Baker	Crawford	Kolowski	Walz
Blood	Harr	McCollister	

Excused and not voting, 1:

Larson

Advanced to Enrollment and Review Initial with 31 ayes, 10 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**  
Education

**LEGISLATIVE BILL 246.** Placed on General File.

(Signed) Mike Groene, Chairperson

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 77.** Introduced by Kuehn, 38.

WHEREAS, Zachary C. Reichstein, a member of Troop 199 of Minden, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Zachary has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Zachary, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Zachary C. Reichstein on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Zachary C. Reichstein.

Laid over.

**LEGISLATIVE RESOLUTION 78.** Introduced by Kuehn, 38.

WHEREAS, Gary DeBoer will be honored as a charter inductee into the Nebraska Eight-Man Football Hall of Fame; and

WHEREAS, Coach DeBoer led both eight-man and eleven-man football teams in his 42 years coaching first at Nelson High School and later at the combined Lawrence/ Nelson High School; and

WHEREAS, Gary DeBoer's teams qualified for the playoffs 21 times, received three runner-up trophies, and won state championships in 1975, 2001, and 2002; and

WHEREAS, Coach DeBoer retired with 319 victories, the second-highest record in Nebraska history; and

WHEREAS, the inaugural induction ceremony for the Nebraska Eight-Man Football Hall of Fame will be held at halftime of the 40th annual Sertoma Eight-Man All-Star Game on Saturday, June 17, 2017, at the Osborne Family Sports Complex in Hastings.

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

1. That the Legislature congratulates Gary DeBoer on being a charter inductee into the Nebraska Eight-Man Football Hall of Fame.

2. That a copy of this resolution be sent to Coach DeBoer.

Laid over.

**AMENDMENT(S) - Print in Journal**

Senator Krist filed the following amendment to LB207:  
AM721

- 1 1. Insert the following new section:
- 2 Sec. 9. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.

**GENERAL FILE**

**LEGISLATIVE BILL 518.** Title read. Considered.

Committee AM424, found on page 614, was offered.

Senator Bolz offered her amendment, AM716, found on page 773, to the committee amendment.

The Bolz amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, 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 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 566.** Title read. Considered.

Committee AM551, found on page 646, was offered.

**SPEAKER SCHEER PRESIDING**

The committee amendment 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 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 9.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 225.** Title read. Considered.

Committee AM611, found on page 706, was offered.

Pending.

**AMENDMENT(S) - Print in Journal**

Senator Morfeld filed the following amendment to LB225:  
AM726

(Amendments to Standing Committee Amendments, AM611)

- 1 1. Strike sections 3, 17, and 18.
- 2 2. On page 1, line 17, strike "operative date of this section" and
- 3 insert "effective date of this act".
- 4 3. Renumber the remaining sections and correct internal references
- 5 accordingly.

**VISITOR(S)**

Visitors to the Chamber were Sophia Kriz from Millard North High School, Omaha; Damon Hudson from UNL Law School; 5 students from York College; Becca Fisher from UNL Law School; 30 fourth-grade students from Cornerstone Christian, Bellevue; and 10 sixth-, seventh-, and eighth-grade students from Platte Valley Christian, Paxton.

The Doctor of the Day was Dr. David Hoelting from Pender.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Thursday, March 23, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-THIRD DAY - MARCH 23, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 23, 2017

**PRAYER**

The prayer was offered by Pastor Jim Haack, Beautiful Savior Lutheran Church, La Vista.

**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 Senator Krist who was excused; and Senators Hughes, Larson, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-second day was approved.

**COMMUNICATION**

March 22, 2017

Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. Clerk:

As Chairperson of the Special Committee regarding the Election Challenge to the Qualifications of Senator Ernie Chambers filed by Mr. John Sciara, I hereby file with your office the *Hearing Procedure*, adopted by the Special Committee today, March 22, 2017. The *Hearing Procedure* will be sent to both parties, pursuant to Rule 10, Sec. 4(c).

Sincerely,  
(Signed) Senator Dan Watermeier  
Chairman, Special Committee

Enclosure: *Hearing Procedure*

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 335.** Placed on Select File with amendment.  
ER22

1 1. On page 1, line 3, strike "and"; and in line 4 after "section"  
2 insert "; and to declare an emergency".

**LEGISLATIVE BILL 518.** Placed on Select File with amendment.  
ER23

1 1. On page 1, line 1, after the semicolon insert "to amend section  
2 58-703, Revised Statutes Cumulative Supplement, 2016;"; in line 2 strike  
3 "and"; and in line 3 after "Fund" insert "; to harmonize provisions; and  
4 to repeal the original section".

(Signed) Anna Wishart, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 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

Garcia, Lauren  
Nebraska Catholic Conference  
Lautenbaugh, Scott  
Nebraska Premium Tobacco  
Sanne, Richard D.  
Nebraska Grain and Feed Association (Withdrawn 03/20/2017)

**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), LR72 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR72.



**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB8 with 40 ayes, 1 nay, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 8.**

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-253, 43-286, and 43-286.01, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to juvenile detention and probation; to provide for graduated response sanctions and incentives as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Groene	Krist	Larson	Wayne
--------	-------	--------	-------

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 11.**

A BILL FOR AN ACT relating to juveniles; to amend sections 29-1816 and 43-274, Reissue Revised Statutes of Nebraska; to change provisions relating to transfer of juvenile cases and the appeal of such transfers; to harmonize

provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Groene	Krist	Larson	Wayne
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### ANNOUNCEMENT

The Chair announced the birthday of Senator Lindstrom.

#### BILLS ON FINAL READING

##### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB16 with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

#### LEGISLATIVE BILL 16. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885.13, 81-885.17, 81-885.19, and 81-885.21, Reissue Revised Statutes of Nebraska, and section 81-885.24, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to applications for licenses and display and verification of licenses; to provide for rules and regulations relating to broker trust accounts; to provide an unfair trade practice; to harmonize provisions; to provide operative dates; to repeal the

original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Groene            Krist            Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB18 with 39 ayes, 3 nays, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 18.**

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend sections 38-1101, 38-1102, 38-1107, 38-1116, 38-1119, 38-1121, 38-1130, 38-1131, 38-1132, 38-1135, and 38-1136, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to dental assistants and licensed dental hygienists; to provide for licensed dental assistants, expanded function dental assistants, and expanded function dental hygienists; to provide powers and duties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Groene            Krist            Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 18A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 18, One Hundred Fifth Legislature, First Session, 2017.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Groene Krist Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 19.**

A BILL FOR AN ACT relating to acupuncture; to amend section 38-2058, Reissue Revised Statutes of Nebraska; to change requirements for the practice of acupuncture; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Groene Krist Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 29.**

A BILL FOR AN ACT relating to the Class V School Employees Retirement Cash Fund; to amend sections 72-1249 and 79-9,115, Revised Statutes Cumulative Supplement, 2016; to eliminate the fund; to change a provision relating to expenses charged to the Class V School Employees Retirement Fund; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 2:

Clements      Halloran

Excused and not voting, 3:

Groene          Krist              Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 57.**

A BILL FOR AN ACT relating to unsworn declarations; to amend sections 28-915 and 28-915.01, Reissue Revised Statutes of Nebraska; to adopt the Uniform Unsworn Foreign Declarations Act; to change provisions relating to perjury; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

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

Voting in the negative, 3:

Erdman          Halloran          Lowe

Excused and not voting, 3:

Groene          Krist                  Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION(S) - Return LB62 to Select File**

Senator Chambers moved to return LB62 to Select File for the following specific amendment:

FA48

Strike the enacting clause.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 43:

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

Present and not voting, 4:

Baker          Howard          Kolowski          Pansing Brooks

Excused and not voting, 1:

Krist

The Chambers motion to return failed with 1 aye, 43 nays, 4 present and not voting, and 1 excused and not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 62.**

A BILL FOR AN ACT relating to schools; to eliminate provisions prohibiting the wearing of religious garb by teachers in public schools; to eliminate penalties; and to outright repeal sections 79-898 and 79-899, Reissue Revised Statutes of Nebraska.

Senator Chambers requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

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

Voting in the negative, 5:

Chambers	Friesen	Pansing Brooks	Schumacher	Wayne
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Present and not voting, 4:

Baker	Howard	Kolowski	McCollister
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Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 85.**

A BILL FOR AN ACT relating to law; to amend sections 32-602, 32-607, and 49-1401, Reissue Revised Statutes of Nebraska, and section 49-14,123, Revised Statutes Cumulative Supplement, 2016; to change provisions of the Election Act relating to eligibility to file for office and candidate filing forms; to provide a requirement for persons appointed to certain elective or



appointive offices; to provide a duty for the Nebraska Accountability and Disclosure Commission; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 94.**

A BILL FOR AN ACT relating to the Nebraska Capital Expansion Act; to amend section 72-1263, Revised Statutes Cumulative Supplement, 2016; to increase the amount of funds offered to banks and other financial institutions as deposits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB99 with 44 ayes, 2 nays, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 99.**

A BILL FOR AN ACT relating to business entities; to amend sections 67-447 and 67-448, Reissue Revised Statutes of Nebraska, and sections 21-2,129, 21-2,130, 21-2,135, 21-2,140, 21-2,146, 67-448.01, and 67-448.02, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the conversion of unincorporated entities, corporations, partnerships, limited partnerships, and limited liability partnerships into other business entities; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB113 with 42 ayes, 3 nays, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 113.**

A BILL FOR AN ACT relating to municipalities; to amend sections 10-119, 12-401, 14-101, 14-117, 15-101, 15-102, 16-101, 17-301, 17-310, 17-311, 18-1753, 19-401, 19-414, 19-415, 19-418, 19-501, 19-602, 19-1102, 19-1827, 19-5101, 23-204, 31-501, 31-508, 32-538, 32-539, 39-207, 39-1328.01, 39-1804, 39-2103, 39-2106, 48-307, 48-1209.01, 53-124.14, 60-680, 60-6,120, 60-6,190, 70-408, 70-604.01, 79-407, 81-1417, 81-1430, 81-2102, 81-2107, 81-2109, and 81-2110, Reissue Revised Statutes of Nebraska, and sections 13-2705, 16-222.02, 16-901, 17-101, 17-201, 17-306.01, 17-312, 17-313, 17-1001, 18-2709, 19-1101, 19-3501, 44-5502, 71-3305, 77-3,119, 81-8,122.01, and 81-15,153, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to how population thresholds of municipalities are determined; to provide for a process by which a city of the primary class becomes a city of the metropolitan class; to change a provision relating to declaration as a city of the primary class; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 8, 11, 16, 18, 18A, 19, 29, 57, 62, 85, 94, 99, and 113.

#### **BILLS ON FINAL READING**

##### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB133 with 44 ayes, 2 nays, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 133.**

A BILL FOR AN ACT relating to cities of the second class and villages; to amend sections 17-105, 17-106, 17-107, 17-108, 17-108.02, 17-112, 17-113, 17-114, 17-117, 17-118, 17-119, 17-120, 17-121, 17-122, 17-124, 17-126, 17-127, 17-129, 17-130, 17-131, 17-132, 17-134, 17-136, 17-137, 17-138, 17-139, 17-140, 17-141, 17-142, 17-143, 17-145, 17-146, 17-147, 17-148, 17-149, 17-150, 17-151, 17-153, 17-154, 17-155, 17-157, 17-158, 17-159, 17-160, 17-161, 17-162, 17-163, 17-164, 17-165, 17-166, 17-167, 17-168, 17-169, 17-170, 17-171, 17-172, 17-174, 17-201.01, 17-202, 17-204,

17-205, 17-206, 17-207.01, 17-208, 17-209, 17-209.02, 17-210, 17-211, 17-212, 17-213, 17-214, 17-215, 17-216, 17-217, 17-218, 17-219, 17-219.01, 17-219.02, 17-219.03, 17-220, 17-222, 17-223, 17-224, 17-225, 17-229, 17-230, 17-231, 17-301, 17-302, 17-303, 17-304, 17-308, 17-309, 17-310, 17-311, 17-401, 17-402, 17-403, 17-404, 17-405, 17-405.01, 17-405.02, 17-405.03, 17-405.04, 17-405.05, 17-406, 17-407, 17-412, 17-414, 17-415, 17-416, 17-417, 17-418, 17-419, 17-420, 17-421, 17-422, 17-423, 17-424, 17-425, 17-426, 17-501, 17-502, 17-503, 17-503.02, 17-504, 17-505, 17-507, 17-508, 17-508.02, 17-509, 17-513, 17-514, 17-515, 17-516, 17-518, 17-519, 17-520, 17-521, 17-522, 17-523, 17-524, 17-526, 17-527, 17-528, 17-528.02, 17-528.03, 17-529, 17-529.01, 17-529.02, 17-529.03, 17-529.05, 17-529.06, 17-529.07, 17-529.08, 17-530, 17-531, 17-532, 17-533, 17-534, 17-535, 17-536, 17-537, 17-538, 17-540, 17-541, 17-542, 17-543, 17-545, 17-546, 17-547, 17-548, 17-549, 17-550, 17-551, 17-552, 17-554, 17-556, 17-557, 17-558, 17-559, 17-560, 17-561, 17-564, 17-565, 17-566, 17-567, 17-568, 17-568.01, 17-568.02, 17-569, 17-570, 17-571, 17-572, 17-601.01, 17-601.02, 17-602, 17-603, 17-604, 17-607, 17-608, 17-609, 17-610, 17-611, 17-612, 17-613, 17-615, 17-616, 17-701, 17-702, 17-703, 17-706, 17-708, 17-709, 17-710, 17-711, 17-713, 17-714, 17-715, 17-718, 17-720, 17-801, 17-802, 17-802.01, 17-803, 17-804, 17-805, 17-806, 17-807, 17-808, 17-810, 17-903, 17-905, 17-905.01, 17-906, 17-907, 17-908, 17-909, 17-910, 17-911, 17-912, 17-914, 17-916, 17-917, 17-918, 17-919, 17-920, 17-922, 17-923, 17-924, 17-925, 17-925.01, 17-925.02, 17-925.03, 17-925.04, 17-926, 17-933, 17-935, 17-936, 17-937, 17-938, 17-939, 17-940, 17-942, 17-943, 17-946, 17-947, 17-948, 17-949, 17-950, 17-951, 17-952, 17-953, 17-953.01, 17-954, 17-955, 17-957, 17-958, 17-959, 17-960, 17-962, 17-963, 17-964, 17-965, 17-966, 17-967, 17-968, 17-969, 17-970, 17-973, 17-974, 17-976, and 17-1003, Reissue Revised Statutes of Nebraska, and sections 17-101, 17-104, 17-110, 17-111, 17-123, 17-123.01, 17-149.01, 17-201, 17-207, 17-306.01, 17-312, 17-313, 17-510, 17-511, 17-512, 17-525, 17-539, 17-555, 17-557.01, 17-563, 17-605, 17-606, 17-614, 17-913, 17-921, 17-934, 17-941, 17-945, 17-971, 17-1001, and 17-1002, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to cities of the second class and villages; to clarify references relating to extraterritorial zoning; to correct or include references to city or village officials; to provide, change, and eliminate notice requirements; to provide and change powers and duties; to eliminate provisions relating to the regulation of business and amusements on Sunday and provisions relating to railroads; to eliminate obsolete provisions; to transfer sections; to provide duties for the Revisor of Statutes; to harmonize provisions; to repeal the original sections; and to outright repeal sections 17-128, 17-133, 17-135, 17-144, and 17-915, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 2:

Erdman Halloran

Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB140 with 41 ayes, 5 nays, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 140.** With Emergency Clause.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-101.01, 8-102, 8-104, 8-105, 8-106, 8-107, 8-109, 8-110, 8-111, 8-112, 8-113, 8-114, 8-116.01, 8-118, 8-119, 8-120, 8-122, 8-124, 8-124.01, 8-125, 8-126, 8-127, 8-129, 8-130, 8-132, 8-133, 8-137, 8-138, 8-139, 8-141, 8-143, 8-143.01, 8-144, 8-145, 8-147, 8-148, 8-148.01, 8-148.02, 8-148.04, 8-148.05, 8-148.07, 8-148.08, 8-150, 8-152, 8-158, 8-160, 8-161, 8-163, 8-164, 8-166, 8-167, 8-168, 8-169, 8-170, 8-171, 8-173, 8-174, 8-175, 8-177, 8-178, 8-179, 8-180, 8-182, 8-183, 8-183.04, 8-183.05, 8-184, 8-185, 8-186, 8-187, 8-188, 8-189, 8-190, 8-191, 8-192, 8-193, 8-194, 8-195, 8-196, 8-197, 8-198, 8-199, 8-1,100, 8-1,101, 8-1,102, 8-1,103, 8-1,104, 8-1,105, 8-1,106, 8-1,107, 8-1,108, 8-1,109, 8-1,110, 8-1,111, 8-1,112, 8-1,113, 8-1,115, 8-1,116, 8-1,117, 8-1,118, 8-1,119, 8-1,124, 8-1,125, 8-1,126, 8-1,127, 8-1,128, 8-1,129, 8-1,131, 8-1,133, 8-1,134, 8-1,135, 8-1,136, 8-1,137, 8-1,138, 8-1,139, 8-206, 8-207, 8-603, 8-701, 8-815, 8-820, 8-822, 8-826, 8-828, 8-2401, 21-1770, 28-612, 30-2602.02, 30-2640, 45-902, 45-919, 45-1103, and 49-1497, Reissue Revised Statutes of Nebraska, and sections 8-101, 8-103, 8-108, 8-116, 8-117, 8-128, 8-135,

8-153, 8-157, 8-157.01, 8-162.02, 8-167.01, 8-1,140, 8-318, 8-355, 8-601, 8-602, 8-702, 8-1401, 9-701, 21-17,115, 45-335, and 45-1002, Revised Statutes Cumulative Supplement, 2016; to change provisions of the Nebraska Banking Act; to change and eliminate provisions relating to Department of Banking and Finance and Director of Banking and Finance powers and duties, the management of banks and other financial institutions, safe deposit boxes, and the registration of mortgage loan originators; to change provisions relating to executive officer license revocation and suspension, provide a civil penalty, and provide for an exemption from the license requirement as prescribed; to adopt certain federal provisions; to change provisions relating to merger and consolidation of banks; to change provisions relating to department fees, assessments, and fines; to change provisions relating to banks as personal representatives or administrators, bank records and files, bank subsidiary corporations, rewards, and certain notice to the Governor; to change and eliminate state provisions relating to the Federal Banking Act of 1933; to change and eliminate provisions relating to personal loans by banks and trust companies and the violation of such provisions; to change provisions relating to trust company powers; to change provisions relating to confidential records or information; to eliminate a duty of the department to issue a certificate and other approval duties; to define and redefine terms; to provide for applicability; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to credit union loan officer licenses; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 8-121, 8-151, 8-1,120, 8-1,121, 8-816, 8-819, and 8-827, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Krist

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 184.**

A BILL FOR AN ACT relating to loan brokers; to amend sections 45-191.01 and 45-191.04, Reissue Revised Statutes of Nebraska, and section 45-190, Revised Statutes Cumulative Supplement, 2016; to redefine a term; to change provisions relating to loan brokerage agreements, disclosure documents, and rights to cancel; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Krist            Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 185.**

A BILL FOR AN ACT relating to finance; to amend section 45-1009, Reissue Revised Statutes of Nebraska, and sections 8-2733 and 45-346, Revised Statutes Cumulative Supplement, 2016; to provide procedure and notice requirements and powers and duties for the Department of Banking and Finance with respect to abandoned license applications under the Nebraska Money Transmitters Act, the Nebraska Installment Sales Act, and the Nebraska Installment Loan Act; and to repeal the original sections.



Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 3:

Craighead	Geist	Walz
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Excused and not voting, 2:

Krist	Stinner
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 186.**

A BILL FOR AN ACT relating to the Nebraska Money Transmitters Act; to amend section 8-2727, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to licensee surety bonds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Krist           Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB203 with 40 ayes, 2 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 203.**

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-626, 48-627, and 48-628, Reissue Revised Statutes of Nebraska, and section 48-632, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to maximum annual unemployment benefit amounts and disqualification from unemployment benefits; to authorize electronic notice as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Krist                      Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 661.** Placed on General File.

(Signed) John Murante, Chairperson

Revenue

**LEGISLATIVE BILL 253.** Placed on General File with amendment.

AM693

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

2 sections:

3 Section 1. Section 23-3637, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 23-3637 (1) The county and any city, village, or sanitary and  
 6 improvement district may enter into any agreement for joint action with  
 7 regard to the planning, construction, management, operation, or financing  
 8 of a sewerage disposal system and plant or plants consistent with the  
 9 authority of the county as provided in the County Industrial Sewer  
 10 Construction Act and consistent with the authority of the city and county  
 11 under the Interlocal Cooperation Act ~~or the Joint Public Agency Act~~. The  
 12 county may enter into an agreement with any city for the sale to the city  
 13 of all or any portion of a sewerage disposal system and plant or plants  
 14 developed by the county under the County Industrial Sewer Construction  
 15 Act upon such terms and conditions as to which the city and county may  
 16 formally agree. Any agreement entered into by ~~the a city and county and~~  
 17 any city, village, or sanitary and improvement district pursuant to this  
 18 section shall be consistent with and conditioned upon the rights of any

19 third party with a direct financial interest in the sewerage disposal  
20 system and plant or plants.

21 (2) Notwithstanding any other provision of Nebraska law, the county  
22 and any city, village, or sanitary and improvement district may enter  
23 into a service agreement with any joint entity created pursuant to the  
24 Interlocal Cooperation Act which owns or operates or proposes to own or  
25 operate any sewerage disposal system and plant, including the use or  
26 right to use real or personal property included in any such project.

27 (3) Any service agreement entered into under subsection (2) of this  
1 section may provide:

2 (a) For the payment of fixed or variable periodic amounts for  
3 service or the right to obtain service, including the use or right to use  
4 real or personal property;

5 (b) That such service agreement may extend for a term of years as  
6 determined by the governing body of the county, city, village, or  
7 sanitary and improvement district and be binding upon such county, city,  
8 village, or sanitary and improvement district over such term of years;

9 (c) That fixed or variable periodic amounts payable may be  
10 determined based upon any of the following factors, or such other factors  
11 as may be deemed reasonable by the parties, and such amounts may be  
12 divided and specifically payable with respect to such factors:

13 (i) Operating, maintenance, and management expenses, including  
14 renewals and replacements for facilities and equipment, amounts payable  
15 with respect to debt service on bonds or other obligations, including  
16 margins of debt service coverage and amounts for debt service reserves if  
17 deemed appropriate, which amounts may be separately identified and shall  
18 have the status of amounts paid for the principal or interest on bonds  
19 issued by such party for purposes of budget and expenditure limitations;  
20 and

21 (ii) Amounts necessary to build or maintain operating reserves,  
22 capital reserves, and debt service reserves;

23 (d) That any such service agreement may require payment to be made  
24 in the agreed-upon fixed or variable periodic amounts regardless of  
25 whether such sewerage disposal system and plant or plants are completed  
26 or operational and notwithstanding any suspension, interruption,  
27 interference, reduction, or curtailment of the services of such project  
28 or system; and

29 (e) Such other provisions as the parties to the service agreement  
30 deem appropriate in connection with constructing and operating a sewerage  
31 disposal system and plant or plants, including the acquisition of real  
1 and personal property, the construction of facilities, and the operation,  
2 maintenance, and management of services, property, and related  
3 facilities.

4 (4) In order for a county to provide for any or all of the payments  
5 due under such service agreement entered into under subsection (2) of  
6 this section, such payments may be made as authorized under section  
7 23-3616. When such tax is used for the purposes under such service  
8 agreement, it shall have the same status as a tax levied for the purpose  
9 of paying bonds, but shall be subject to the levy limitation under

10 Article VIII, section 5, of the Constitution of Nebraska.

11 Sec. 2. Original section 23-3637, Reissue Revised Statutes of  
12 Nebraska, is repealed.

(Signed) Jim Smith, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 79.** Introduced by Halloran, 33.

WHEREAS, Daniel Acosta, a member of Troop 207 of Hastings, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Daniel has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, for his Eagle Scout Service Project, Daniel led several youth and adults in painting all of the fire hydrants in Roseland, allowing first responders to easily locate the hydrants during emergencies; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Daniel, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Daniel Acosta on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Daniel Acosta.

Laid over.

### AMENDMENT(S) - Print in Journal

Senator Murante filed the following amendment to LB68:  
AM738

(Amendments to Standing Committee amendments, AM630)

1 1. Insert the following new section:

2 Sec. 22. Since an emergency exists, this act takes effect when

3 passed and approved according to law.

**EXPLANATION(S) OF VOTE(S)**

Had I been present, I would have voted "aye" on final passage of LBs 8, 11, 16, 18, 18A, 19, 29, and 57.

(Signed) Justin Wayne

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 133, 140, 184, 185, 186, and 203.

**GENERAL FILE**

**LEGISLATIVE BILL 225.** Committee AM611, found on page 706 and considered on page 789, was renewed.

**SENATOR WATERMEIER PRESIDING**

Senator Morfeld withdrew his amendment, AM726, found on page 789.

Senator Howard offered the following amendment to the committee amendment:

AM731

(Amendments to Standing Committee amendments, AM611)

1 1. On page 6, strike beginning with "a" in line 15 through the  
2 period in line 17 and insert "a requester that is required to request the  
3 check according to a statute, a rule or regulation of the department, or  
4 a contract with the department.".

The Howard amendment was adopted with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 340.** Title read. Considered.

Senator Murante offered his amendment, AM287, found on page 735.

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

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 88.** Title read. Considered.

Committee AM391, found on page 570, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senator Riepe offered the following amendment:  
AM705 is available in the Bill Room.

The Riepe amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 23, 2017, at 10:56 a.m. were the following: LBs 8, 11, 16e, 18, 18A, 19, 29, 57, 62, 85, 94, 99, 113, 133, 140e, 184, 185, 186, and 203.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

#### **COMMITTEE REPORT(S)** Enrollment and Review

**LEGISLATIVE BILL 566.** Placed on Select File with amendment.  
ER24

1 1. On page 1, strike beginning with "adopt" in line 1 through line 2  
2 and insert "amend sections 37-504, 37-513, 37-614, 37-615, and 37-617,  
3 Reissue Revised Statutes of Nebraska; to adopt the Interstate Wildlife  
4 Violator Compact; to change penalties and fines for hunting elk and  
5 mountain sheep out of season; to increase fines for unlawfully hunting,  
6 trapping, or possessing certain game and nongame birds and for shooting  
7 wildlife from a highway or roadway; to increase revocation and suspension  
8 periods for hunting, fishing, and fur harvesting permits; to increase the  
9 penalty for hunting, fishing, or fur harvesting on a revoked or suspended  
10 permit; to change certain duties of the Game and Parks Commission; and to  
11 repeal the original sections."

**LEGISLATIVE BILL 9.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

#### **COMMITTEE REPORT(S)** Appropriations

**LEGISLATIVE BILL 356.** Placed on General File with amendment.  
AM652

1 1. On page 2, line 20, strike "shall" and insert "may".  
2 2. On page 3, line 15, after "Council" insert "shall develop and

3 publish guidelines for the application, distribution, and awarding of  
 4 funds. Such guidelines shall be published electronically. The council".

(Signed) John Stinner, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 518A.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 518, One Hundred Fifth Legislature, First Session, 2017.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 80.** Introduced by Bolz, 29.

WHEREAS, Colton Ross Smith was born in Lincoln, Nebraska, on November 14, 1938; and

WHEREAS, Ross graduated from Lincoln High School, Texas Christian University, and the University of Nebraska-Lincoln; and

WHEREAS, Ross married Willa Delehoy on June 30, 1960, and raised two daughters in Lincoln, Shereen and Shawnie; and

WHEREAS, Ross worked to make Lincoln a better place through years of volunteerism, including donating blood, delivering meals for Meals on Wheels, and driving cancer patients to appointments as part of the American Cancer Society's Road to Recovery Program; and

WHEREAS, Ross passed away on December 24, 2016.

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

1. That the Legislature honors Colton Ross Smith, who dedicated his life to serving others, and extends its sympathy to his family and friends.
2. That the 2017 State Employee Winter Blood Drive on Friday, March 31, be dedicated to the memory of Ross Smith.
3. That a copy of this resolution be sent to the family of Ross Smith.

Laid over.

### **AMENDMENT(S) - Print in Journal**

Senator Stinner filed the following amendment to LB151:  
 AM428

(Amendments to Standing Committee amendments, AM334)

- 1 1. On page 17, line 13, after the period insert "The Auditor of
- 2 Public Accounts shall not, under the authority granted in this
- 3 subdivision, reveal sealed or confidential court records contained in
- 4 working papers.".



**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Lowe name added to LB152.  
Senator Hansen name added to LB158.  
Senator Hansen name added to LB289.  
Senator Kolterman name added to LB439.  
Senator Kolterman name added to LB578.  
Senator Hansen name added to LR26.

**VISITOR(S)**

Visitors to the Chamber were Isaiah Frohling from UNL Law Shadow Program; Marilyn Zehring, Sue Murphy, Peg Jeffreys, Jean Supencheck, and Bonnie Summers from Columbus; and members of the Sarpy County Republican Women.

The Doctor of the Day was Dr. Rob Daro from David City.

**ADJOURNMENT**

At 12:02 p.m., on a motion by Senator Ebke, the Legislature adjourned until 9:00 a.m., Tuesday, March 28, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-FOURTH DAY - MARCH 28, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 28, 2017

**PRAYER**

The prayer was offered by Senator Hilkemann.

**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 Senator Linehan who was excused; and Senators Groene, Hansen, Kuehn, McCollister, Morfeld, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-third day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 225.** Placed on Select File with amendment.

ER27

1 1. On page 1, strike beginning with "crimes" in line 1 through line  
2 5 and insert "children and families; to amend sections 28-712, 28-712.01,  
3 28-718, 43-2,108, 43-1318, 43-4218, 43-4701, 43-4702, 43-4703, 43-4704,  
4 43-4706, 43-4707, 43-4709, and 43-4714, Reissue Revised Statutes of  
5 Nebraska; to change provisions relating to alternative response and the  
6 confidentiality of certain juvenile records; to provide for a central  
7 registry record checks fee; to create an advisory group, require reports,  
8 and provide a termination date; to rename and change provisions relating  
9 to the Normalcy Task Force; to change provisions relating to the Nebraska  
10 Strengthening Families Act; to restate legislative intent; to define and  
11 redefine terms; to change and provide duties for the Department of Health  
12 and Human Services, the Office of Probation Administration, foster family  
13 homes, child-care institutions, and juvenile facilities as prescribed; to  
14 provide for training; to provide for rules and regulations; to eliminate  
15 a data pilot project; to harmonize provisions; to provide for operative

16 dates; to repeal the original sections; to outright repeal section 17 43-1322, Reissue Revised Statutes of Nebraska; and to declare an 18 emergency".

**LEGISLATIVE BILL 340.** Placed on Select File with amendment.  
ER25

- 1 1. On page 7, line 2, strike "from" and insert "transferred pursuant  
2 to".
- 3 2. On page 13, line 24, strike "80-326,".

(Signed) Anna Wishart, Chairperson

#### **MESSAGE(S) FROM THE GOVERNOR**

March 27, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Please withdraw the following individual from consideration for confirmation of appointment to the Nebraska Power Review Board:

Michael Metzler, 3862 South 117 Avenue, Omaha, NE 68130

Sincerely,  
(Signed) Pete Ricketts  
Governor

#### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 73, 74, and 75 were adopted.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 73, 74, and 75.

#### **GENERAL FILE**

**LEGISLATIVE BILL 518A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 210.** Title read. Considered.

Committee AM113, found on page 401, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 182.** 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.

**LEGISLATIVE BILL 339.** Title read. Considered.

Committee AM314, found on page 607, was adopted with 40 ayes, 0 nays, 6 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 539.** Title read. Considered.

Senator Chambers offered the following amendment:

AM649

1 1. On page 3, lines 21 through 25, strike the new matter; and in  
2 line 28 strike the period and show as stricken.

The Chambers amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Ebke offered the following amendment:

AM748

1 1. Insert the following new sections:  
2 Section 1. Section 47-901, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:  
4 47-901 Sections 47-901 to 47-919 and section 4 of this act shall be  
5 known and may be cited as the Office of Inspector General of the Nebraska  
6 Correctional System Act.  
7 Sec. 3. Section 47-912, Revised Statutes Cumulative Supplement,  
8 2016, is amended to read:  
9 47-912 (1) Reports of investigations conducted by the office shall  
10 not be distributed beyond the entity that is the subject of the report  
11 without the consent of the Inspector General.  
12 (2) The office shall redact confidential information before  
13 distributing a report of an investigation. The office may disclose  
14 confidential information to the chairperson of the Judiciary Committee of  
15 the Legislature when such disclosure is, in the judgment of the Public  
16 Counsel, desirable to keep the chairperson informed of important events,

17 issues, and developments in the Nebraska correctional system.  
 18 (3)(a) A summarized final report based on an investigation may be  
 19 publicly released in order to bring awareness to systemic issues.  
 20 (b) Such report shall be released only:  
 21 (i) After a disclosure is made to the chairperson pursuant to  
 22 subsection (2) of this section; and  
 23 (ii) If a determination is made by the Inspector General with the  
 24 chairperson that doing so would be in the best interest of 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 the Nebraska Correctional System Act.  
 11 Sec. 4. Any person who has authority to recommend, approve, direct,  
 12 or otherwise take or affect personnel action shall not, with respect to  
 13 such authority:  
 14 (1) Take personnel action against an employee because of the  
 15 disclosure of information by the employee to the office which the  
 16 employee reasonably believes evidences wrongdoing under the Office of  
 17 Inspector General of the Nebraska Correctional System Act;  
 18 (2) Take personnel action against an employee as a reprisal for the  
 19 submission of an allegation of wrongdoing under the act to the office by  
 20 such employee; or  
 21 (3) Take personnel action against an employee as a reprisal for  
 22 providing information or testimony pursuant to an investigation by the  
 23 office.  
 24 2. Amend the repealer and renumber the remaining section  
 25 accordingly.

The Ebke amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

#### AMENDMENT(S) - Print in Journal

Senator Vargas filed the following amendment to LB163:  
 AM723

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

3 Section 1. Section 32-101, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 32-101 Sections 32-101 to 32-1551 and section 2 of this act shall be  
 6 known and may be cited as the Election Act.  
 7 Sec. 2. The election commissioner in a county with a population of  
 8 more than one hundred thousand inhabitants shall provide additional  
 9 office hours during which ballots for early voting may be picked up or  
 10 returned pursuant to section 32-941 or registered voters of the county  
 11 may vote or pick up or return a ballot for early voting pursuant to  
 12 section 32-942. The additional hours shall be provided for any primary or  
 13 general election, but not for special elections, beginning at least two  
 14 weeks prior to the day of the election and shall include at least four  
 15 hours on each of the two Saturdays preceding the day of the election and  
 16 at least five hours during each week of such two-week period in addition  
 17 to normal business hours on business days.  
 18 Sec. 3. Original section 32-101, Reissue Revised Statutes of  
 19 Nebraska, is repealed.

#### EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LBs 8 and 11.

(Signed) Bob Krist

#### COMMITTEE REPORT(S) Education

**LEGISLATIVE BILL 428.** Placed on General File with amendment.  
AM369

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. The Legislature finds and declares that:  
 4 (1) Pregnant and parenting students face enormous challenges to  
 5 completing their education. The majority of young women who become  
 6 pregnant in high school leave school which detrimentally impacts their  
 7 financial, social, and educational future, as well as the future of their  
 8 children;  
 9 (2) Schools have an obligation to keep pregnant and parenting  
 10 students in school;  
 11 (3) Schools must remove overly restrictive or inflexible absence and  
 12 leave policies so that pregnant students can attend prenatal medical  
 13 appointments and parenting students can attend appointments for pediatric  
 14 medical care, provide opportunities for students to make up school work  
 15 or allow alternative education for students who become pregnant, and make  
 16 accommodations for breastfeeding or milk expression; and  
 17 (4) Young women should not have to choose between completing their  
 18 education and parenthood.  
 19 Sec. 2. Beginning May 1, 2018, the school board of each school  
 20 district shall adopt a written policy to be implemented at the start of

21 the 2018-19 school year which provides for standards and guidelines to  
 22 accommodate absences related to pregnancy and child care for pregnant and  
 23 parenting students. Such policy shall include procedures and provisions  
 24 in conformance with the minimum standards set forth in the model policy  
 25 developed by the State Department of Education pursuant to section 3 of  
 26 this act and may include any other procedures and provisions the school  
 27 board deems appropriate.

1 Sec. 3. On or before December 1, 2017, the State Department of  
 2 Education shall develop and distribute a model policy to encourage the  
 3 educational success of pregnant and parenting students. At a minimum,  
 4 such policy shall:

5 (1) Specifically identify procedures to anticipate and provide for  
 6 student absences due to pregnancy and allow students to return to school  
 7 and, if applicable, participate in extracurricular activities after  
 8 pregnancy;

9 (2) Provide alternative methods to keep a pregnant or parenting  
 10 student in school by allowing coursework to be accessed at home or  
 11 accommodating tutoring visits, online courses, or a similar supplement to  
 12 classroom attendance;

13 (3) Identify alternatives for accommodating lactation by providing  
 14 students with private, hygienic spaces to express breast milk during the  
 15 school day; and

16 (4) Establish a procedure for schools which do not have an in-school  
 17 child care facility to assist student-parents by identifying child care  
 18 providers for purposes of placing their children in child care facilities  
 19 which, where possible, participate in the quality rating and improvement  
 20 system and meet all of the quality rating criteria for at least a step-  
 21 three rating pursuant to the Step Up to Quality Child Care Act and which  
 22 collaborate with the school.

23 Sec. 4. In addition to the development of a model policy, the State  
 24 Department of Education shall offer training for teachers, counselors,  
 25 and administrators on each school district's policy adopted under section  
 26 2 of this act and the rights of pregnant and parenting students to  
 27 receive equal access to education.

**LEGISLATIVE BILL 490.** Placed on General File with amendment.  
 AM722

1 1. On page 7, line 2, strike "and"; and in line 4 after "applicants"  
 2 insert "; and  
 3 (5) Ensure that a student who receives an award under the College  
 4 Choice Grant Program Act does not also receive an award under the  
 5 Nebraska Opportunity Grant Act for the same academic year and that a  
 6 student who receives an award under the Nebraska Opportunity Grant Act  
 7 does not also receive an award under the College Choice Grant Program Act  
 8 for the same academic year".

**LEGISLATIVE BILL 512.** Placed on General File with amendment.  
 AM724 is available in the Bill Room.

(Signed) Mike Groene, Chairperson



**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 81.** Introduced by Wayne, 13.

**PURPOSE:** The purpose of this interim study is to examine the adoption and enforcement of state fire codes. The issues addressed by this interim study shall include, but not be limited to:

1. A review of the process used to adopt and update fire codes by the State Fire Marshall, as compared to the process of updating other codes, including the state building code, the Nebraska Energy Code, and the National Electrical Code;
2. A review of the role of political subdivisions in enforcing state fire codes; and
3. A review of the interaction between state fire codes and other state and local codes, including the state building code, the Nebraska Energy Code, the National Electrical Code, and local building codes.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services

Room 1510

Thursday, April 6, 2017 1:00 p.m.

Marc A. Brennan - Commission for the Deaf and Hard of Hearing

(Signed) Merv Riepe, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 166.** Title read. Considered.

Committee AM143, found on page 544, 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 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 35.** 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 151.** Title read. Considered.

Committee AM334, found on page 557, was offered.

**SPEAKER SCHEER PRESIDING**

Senator Stinner offered his amendment, AM428, found on page 816, to the committee amendment.

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

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

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 639.** Title read. Considered.

Committee AM280, found on page 551, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 506.** Title read. Considered.

Committee AM464, found on page 639, 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 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 641.** Title read. Considered.

Committee AM560, found on page 674, was offered.

Senator Morfeld offered the following amendment to the committee amendment:

AM747

(Amendments to Standing Committee amendments, AM560)

1 1. On page 1, line 2, strike "sections" and insert "section"; strike 2 lines 7 and 8; and in line 10 after "(e)" insert "beginning October 1,

3 2017".

The Morfeld amendment was adopted with 30 ayes, 5 nays, 12 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 5 nays, 12 present and not voting, and 2 excused and not voting.

Pending.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 82.** Introduced by Baker, 30.

WHEREAS, Adam David Hanau, a member of Troop 64 of Hickman, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Adam has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout must earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, Adam earned 28 merit badges and completed the requirements to become a member of the Order of the Arrow; and

WHEREAS, for his Eagle Scout Service Project, Adam raised funds for two benches at the public splash pad in Hickman, installed the benches, and helped in other aspects of the construction of the splash pad; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Adam Hanau, at the age of 15, will be awarded the rank of Eagle Scout on April 30, 2017, and through his hard work and perseverance, will join other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Adam David Hanau on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Adam David Hanau.

Laid over.

**LEGISLATIVE RESOLUTION 83.** Introduced by McCollister, 20; Craighead, 6.

WHEREAS, Westside Community Schools Superintendent Dr. Blane McCann was named the Outstanding Educational Leader of 2017 and was recognized this month at the Phi Delta Kappa World Café and Awards; and

WHEREAS, Phi Delta Kappa International (PDK) is a professional association for educators that brings together the top leaders, thinkers and doers to collaborate and inspire one another; and

WHEREAS, Dr. McCann is responsible for the current vision and strategic plan for Westside Community Schools and is a personalized learning leader. He models constant learning by leading administrative learning labs, presenting during professional learning days and serving as a week-long session leader for the Confratute at the University of Connecticut; and

WHEREAS, Dr. McCann became the superintendent for Westside Community Schools in 2012. In 1981, he earned a Bachelor of Science degree in secondary social studies education from Miami University in Ohio. He then worked as a social studies teacher in Florida and Iowa. In 1983, Dr. McCann earned a Masters in Educational Administration and Supervision from the University of North Carolina-Chapel Hill. From 1987 to 2000, Dr. McCann worked as an administrator for the Kenosha Unified School District in Wisconsin. In 2000, he earned a Ph.D. in Educational Policy and Leadership from Marquette University in Milwaukee. In 2003, Dr. McCann became superintendent of the Shorewood School District in Wisconsin; and

WHEREAS, during his career, Dr. McCann has been active in numerous professional organizations, including the American Association of School Administrators, the Wisconsin Association of School District Administrators, the Kenosha School Administrators Association and the National Staff Development Council; and

WHEREAS, Dr. McCann was also one of ten superintendents from across the country to complete the first Lexington Education Leadership Award Fellowship from the Lexington Institute and was invited to the White House as a recognized thought leader for the United States Department of Education's ConnectED Summit.

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

1. That the Legislature congratulates Dr. Blane McCann of Westside Community Schools for being named the Outstanding Educational Leader of 2017 by PDK Chapter No. 0116.

2. That a copy of this resolution be sent to Dr. McCann, Westside Director of Communications Brandi Petersen and Westside Community Schools Board of Education President David Williams.

Laid over.

**MESSAGE(S) FROM THE GOVERNOR**

March 28, 2017

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 62 was received in my office on March 23, 2017.

This bill was signed on March 27, 2017, and delivered to the Secretary of State on March 28, 2017.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Brewer name added to LB389.  
Senator Riepe name added to LB506.

**VISITOR(S)**

Visitors to the Chamber were 39 fourth-grade students from St. Mary's School, David City; Dr. Jerry Green from Morrill County; 45 fourth-grade students, teachers, and sponsors from LeMay Elementary, Bellevue; Genenne Gibson Didier; and 38 fourth-grade students and sponsors from Tekamah/Herman.

**RECESS**

At 11:55 a.m., on a motion by Senator Clements, 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 Linehan and Watermeier who were excused; and Senators Larson and Lindstrom who were excused until they arrive.

**AMENDMENT(S) - Print in Journal**

Senator Krist filed the following amendment to LB339:  
AM770

1 1. On page 9, line 18, after "Engineer" insert "subject to  
2 confirmation by the Legislature, with due regard to his or her fitness  
3 through aeronautical education and by knowledge of and recent practical  
4 experience in aeronautics".

**COMMUNICATION**

March 28, 2017

Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. Clerk:

As Chairperson of the Special Committee regarding the Election Challenge to the Qualification of Senator Ernie Chambers filed by Mr. John Sciara, I hereby file with your office a *Further Order on Pretrial*. The *Further Order on Pretrial* will be sent to both parties, pursuant to Rule 10, Sec. 4(c).

Sincerely,  
(Signed) Senator Dan Watermeier  
Chairman, Special Committee

Enclosure: *Further Order on Pretrial*

**GENERAL FILE**

**LEGISLATIVE BILL 641.** Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 2 nays, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 161.** Title read. Considered.

Committee AM141, found on page 403, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 122.** Title read. Considered.

Committee AM223, found on page 475, was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 222.** Title read. Considered.

Senator Blood offered the following amendment:  
FA49

Strike "shall develop" in line 15, page 8 and insert instead "may review, amend, or replace provisions of the".

The Blood amendment lost with 10 ayes, 20 nays, 15 present and not voting, and 4 excused and not voting.

**SENATOR KRIST PRESIDING**

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 600.** Title read. Considered.

Committee AM605, found on page 714, was offered.

Senator Brasch offered her amendment, AM613, found on page 716, to the committee amendment.

The Brasch amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 263.** Title read. Considered.

Committee AM538, found on page 716, was adopted with 34 ayes, 2 nays, 10 present and not voting, and 3 excused and not voting.

Senator Bostelman withdrew his amendment, AM156, found on page 416.

Advanced to Enrollment and Review Initial with 32 ayes, 2 nays, 12 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 625.** Title read. Considered.

Committee AM224, found on page 631, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 88.** Placed on Select File with amendment. ER26 is available in the Bill Room.

(Signed) Anna Wishart, Chairperson

**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.

Joel Cerny - Board of Emergency Medical Services  
 Thomas Deegan - Board of Emergency Medical Services  
 Linda Jensen - Board of Emergency Medical Services  
 James Smith - Board of Emergency Medical Services  
 Scott C. Wiebe - Board of Emergency Medical Services

Aye: 7 Crawford, Erdman, Howard, Kolterman, Linehan, Riepe, Williams.  
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Merv Riepe, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 289.** Title read. Considered.

Senator Ebke offered the following amendment:  
 AM599 is available in the Bill Room.

Senator Morfeld offered the following amendment to the Ebke amendment:  
 AM786

(Amendments to AM599)

1 1. On page 15, line 30, strike the new matter and insert "and after  
 2 a hearing of which the subject person received actual notice and at which



3 the subject person had an opportunity to participate:"  
 4 2. On page 16, line 1, after "28-311.09" insert "and after a hearing  
 5 of which the subject person received actual notice and at which the  
 6 subject person had an opportunity to participate,".  
 7 3. On page 19, strike lines 21 through 24 and insert the following  
 8 new subdivision:  
 9 "(b) If a protection order is issued pursuant to this section after  
 10 a hearing of which the subject person received actual notice and at which  
 11 the subject person had an opportunity to participate, the court shall  
 12 enjoin the respondent from purchasing or possessing a firearm, as defined  
 13 in section 28-1201, and shall inform the respondent that such possession  
 14 is a felony under section 28-1206.".

Pending.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 84.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

PURPOSE: The purpose of this interim study is to examine the statutes governing some, but not all, classes of municipalities in Chapter 19, Nebraska Revised Statutes. The goal of the study shall be to update and modernize statutes governing some, but not all, classes of municipalities through the elimination of obsolete, antiquated, and duplicate statutory language.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 85.** Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Urban Affairs Committee of the Legislature that may arise during the interim.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 518A.** Placed on Select File.

**LEGISLATIVE BILL 210.** Placed on Select File.

**LEGISLATIVE BILL 182.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Pansing Brooks filed the following amendment to LB289:  
AM785

(Amendments to AM599)

1 1. On page 13, line 13, strike the new matter; and strike beginning  
2 with "The" in line 16 through "(6)" in line 19.

**VISITOR(S)**

Visitors to the Chamber were members of Boy Scout Troop 49 from Lincoln.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

**ADJOURNMENT**

At 4:55 p.m., on a motion by Senator Walz, the Legislature adjourned until 9:00 a.m., Wednesday, March 29, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-FIFTH DAY - MARCH 29, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 29, 2017

**PRAYER**

The prayer was offered by Senator Blood.

**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 Friesen, Groene, Krist, Smith, Watermeier, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-fourth day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 77 and 78 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 77 and 78.

**ANNOUNCEMENT**

The Chair announced the birthday of Senator Krist.

**GENERAL FILE**

**LEGISLATIVE BILL 289.** Senator Morfeld renewed his amendment, AM786, found on page 832, to the Ebke amendment.

Senator Howard moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

The Morfeld amendment was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Senator Pansing Brooks offered her amendment, AM785, found on page 834, to the Ebke amendment.

The Pansing Brooks amendment was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

The Ebke amendment, AM599, found on page 832, as amended, was renewed.

The Ebke amendment, as amended, was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

### COMMITTEE REPORT(S)

Health and Human Services

**LEGISLATIVE BILL 401.** Placed on General File.

(Signed) Merv Riepe, Chairperson

### AMENDMENT(S) - Print in Journal

Senator Williams filed the following amendment to LB518:  
AM687

(Amendments to Standing Committee amendments, AM424)

- 1 1. On page 5, line 5, strike beginning with "Rural" through
- 2 "receive" and insert "State Treasurer shall make"; and in line 7 after
- 3 "Fund" insert "to the Rural Workforce Housing Investment Fund".

Senator Baker filed the following amendment to LB595:  
AM797

(Amendments to Education Committee amendments, AM581)

- 1 1. Strike sections 2 and 3 and insert the following new section:
- 2 Sec. 2. School teachers and administrators may use physical contact
- 3 short of corporal punishment to the degree necessary to preserve order
- 4 and control in the school environment and may use an acceptable level of
- 5 incidental physical contact as necessary to promote personal interaction
- 6 with students.
- 7 2. On page 1, line 5, strike "sections 2 and 3" and insert "section
- 8 2".
- 9 3. Renumber the remaining section accordingly.

Senator Vargas filed the following amendment to LB427:

AM739

1 1. Insert the following new sections:

2 Section 1. The Legislature finds and declares that:

3 (1) Pregnant and parenting students face enormous challenges to  
4 completing their education. The majority of young women who become  
5 pregnant in high school leave school which detrimentally impacts their  
6 financial, social, and educational future, as well as the future of their  
7 children;

8 (2) Schools have an obligation to keep pregnant and parenting  
9 students in school;

10 (3) Schools must remove overly restrictive or inflexible absence and  
11 leave policies so that pregnant students can attend prenatal medical  
12 appointments and parenting students can attend appointments for pediatric  
13 medical care, provide opportunities for students to make up school work  
14 or allow alternative education for students who become pregnant, and make  
15 accommodations for breastfeeding or milk expression; and

16 (4) Young women should not have to choose between completing their  
17 education and parenthood.

18 Sec. 2. Beginning May 1, 2018, the school board of each school  
19 district shall adopt a written policy to be implemented at the start of  
20 the 2018-19 school year which provides for standards and guidelines to  
21 accommodate absences related to pregnancy and child care for pregnant and  
22 parenting students. Such policy shall include procedures and provisions  
23 in conformance with the minimum standards set forth in the model policy  
24 developed by the State Department of Education pursuant to section 3 of  
25 this act and may include any other procedures and provisions the school  
26 board deems appropriate.

27 Sec. 3. On or before December 1, 2017, the State Department of  
1 Education shall develop and distribute a model policy to encourage the  
2 educational success of pregnant and parenting students. At a minimum,  
3 such policy shall:

4 (1) Specifically identify procedures to anticipate and provide for  
5 student absences due to pregnancy and allow students to return to school  
6 and, if applicable, participate in extracurricular activities after  
7 pregnancy;

8 (2) Provide alternative methods to keep a pregnant or parenting  
9 student in school by allowing coursework to be accessed at home or  
10 accommodating tutoring visits, online courses, or a similar supplement to  
11 classroom attendance;

12 (3) Identify alternatives for accommodating lactation by providing  
13 students with private, hygienic spaces to express breast milk during the  
14 school day; and

15 (4) Establish a procedure for schools which do not have an in-school  
16 child care facility to assist student-parents by identifying child care  
17 providers for purposes of placing their children in child care facilities  
18 which, where possible, participate in the quality rating and improvement  
19 system and meet all of the quality rating criteria for at least a step-  
20 three rating pursuant to the Step Up to Quality Child Care Act and which

- 21 collaborate with the school.  
 22 Sec. 4. In addition to the development of a model policy, the State  
 23 Department of Education shall offer training for teachers, counselors,  
 24 and administrators on each school district's policy adopted under section  
 25 2 of this act and the rights of pregnant and parenting students to  
 26 receive equal access to education.  
 27 2. Renumber the remaining sections accordingly.

### GENERAL FILE

**LEGISLATIVE BILL 34.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 432.** Title read. Considered.

### SPEAKER SCHEER PRESIDING

Committee AM289, found on page 744, was adopted with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 444.** Title read. Considered.

Committee AM467, found on page 634, was offered.

### PRESIDENT FOLEY PRESIDING

Senator Ebke offered the following amendment to the committee amendment:

FA50

Amend AM467

Line 16, strike "volunteer" and on line 17 strike "volunteer".

The Ebke amendment was adopted with 28 ayes, 3 nays, 16 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 5 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 4 nays, 10 present and not voting, and 2 excused and not voting.

**VISITOR(S)**

Visitors to the Chamber were Mark Kirby from David City; 35 fourth-grade students from Rising City School, Shelby; and 7 high school students from the Aspect Foundation International Exchange.

**RECESS**

At 11:45 a.m., on a motion by Speaker Scheer, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Hilgers who was excused; and Senators Morfeld and Watermeier who were excused until they arrive.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 339.** Placed on Select File with amendment.  
ER30

- 1 1. On page 2, line 24, after "rename" insert "an act and".
- 2 2. On page 9, line 4, before "and" insert an underscored comma.
- 3 3. On page 19, line 15, reinstate the stricken "use".
- 4 4. On page 27, lines 3 and 4, strike the new matter and reinstate
- 5 the stricken matter.
- 6 5. On page 36, line 24, strike "in the act"; and in line 25 after
- 7 "provided" insert "in the act".
- 8 6. On page 41, line 25, strike "first", show as stricken, and insert
- 9 "1".
- 10 7. On page 95, line 17, strike "328.3(b)", show as stricken, and
- 11 insert "328.3(c)".
- 12 8. On page 106, line 9, strike "of the" and show as stricken.
- 13 9. On page 108, line 27, after "petitions" insert an underscored
- 14 comma.
- 15 10. On page 234, line 24, strike "director" and insert "Director-
- 16 State Engineer" and strike "director's" and insert "Director-State
- 17 Engineer's".

**LEGISLATIVE BILL 539.** Placed on Select File with amendment.  
ER28

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 47-901, Revised Statutes Cumulative Supplement,

4 2016, is amended to read:

5 47-901 Sections 47-901 to 47-919 and section 4 of this act shall be  
6 known and may be cited as the Office of Inspector General of the Nebraska  
7 Correctional System Act.

8 Sec. 2. Section 47-905, Revised Statutes Cumulative Supplement,  
9 2016, is amended to read:

10 47-905 (1) The office shall investigate:

11 (a) Allegations or incidents of possible misconduct, misfeasance,  
12 malfeasance, or violations of statutes or of rules or regulations of the  
13 department by an employee of or a person under contract with the  
14 department or a private agency; and

15 (b) Death or serious injury in private agencies, department  
16 correctional facilities, and other programs and facilities licensed by or  
17 under contract with the department. The department shall report all cases  
18 of death or serious injury of a person in a private agency, department  
19 correctional facility or program, or other program or facility licensed  
20 by the department to the Inspector General as soon as reasonably possible  
21 after the department learns of such death or serious injury. The  
22 department shall also report all cases of the death or serious injury of  
23 an employee when acting in his or her capacity as an employee of the  
24 department as soon as reasonably possible after the department learns of  
25 such death or serious injury. The department shall also report all cases  
26 when an employee is hospitalized in response to an injury received when  
27 acting in his or her capacity as an employee of the department as soon as  
1 reasonably possible after the department learns of such hospitalization.

2 For purposes of this subdivision, serious injury means an injury which  
3 requires urgent and immediate medical treatment and restricts the injured  
4 person's usual activity or illness caused by malfeasance or misfeasance  
5 which leaves a person in critical or serious condition.

6 (2) Any investigation conducted by the Inspector General shall be  
7 independent of and separate from an investigation pursuant to sections  
8 23-1821 to 23-1823.

9 (3) Notwithstanding the fact that a criminal investigation, a  
10 criminal prosecution, or both are in progress, all law enforcement  
11 agencies and prosecuting attorneys shall cooperate with any investigation  
12 conducted by the Inspector General and shall, immediately upon request by  
13 the Inspector General, provide the Inspector General with copies of all  
14 law enforcement reports which are relevant to the Inspector General's  
15 investigation. All law enforcement reports which have been provided to  
16 the Inspector General pursuant to this section are not public records for  
17 purposes of sections 84-712 to 84-712.09 and shall not be subject to  
18 discovery by any other person or entity. Except to the extent that  
19 disclosure of information is otherwise provided for in the Office of  
20 Inspector General of the Nebraska Correctional System Act, the Inspector  
21 General shall maintain the confidentiality of all law enforcement reports  
22 received pursuant to its request under this section. Law enforcement  
23 agencies and prosecuting attorneys shall, when requested by the Inspector  
24 General, collaborate with the Inspector General regarding all other  
25 information relevant to the Inspector General's investigation. If the



26 Inspector General in conjunction with the Public Counsel determines it  
27 appropriate, the Inspector General may, when requested to do so by a law  
28 enforcement agency or prosecuting attorney, suspend an investigation by  
29 the office until a criminal investigation or prosecution is completed or  
30 has proceeded to a point that, in the judgment of the Inspector General,  
31 reinstatement of the Inspector General's investigation will not impede or  
1 infringe upon the criminal investigation or prosecution. ~~Under no~~  
2 ~~circumstance shall the Inspector General interview any person who has~~  
3 ~~already been interviewed by a law enforcement agency in connection with a~~  
4 ~~relevant ongoing investigation of a law enforcement agency.~~

5 Sec. 3. Section 47-912, Revised Statutes Cumulative Supplement,  
6 2016, is amended to read:

7 47-912 (1) Reports of investigations conducted by the office shall  
8 not be distributed beyond the entity that is the subject of the report  
9 without the consent of the Inspector General.

10 (2) The office shall redact confidential information before  
11 distributing a report of an investigation. The office may disclose  
12 confidential information to the chairperson of the Judiciary Committee of  
13 the Legislature when such disclosure is, in the judgment of the Public  
14 Counsel, desirable to keep the chairperson informed of important events,  
15 issues, and developments in the Nebraska correctional system.

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

18 (b) Such report shall be released only:

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

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

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

27 ~~(4) (3)~~ Records and documents, regardless of physical form, that are  
28 obtained or produced by the office in the course of an investigation are  
29 not public records for purposes of sections 84-712 to 84-712.09. Reports  
30 of investigations conducted by the office are not public records for  
31 purposes of sections 84-712 to 84-712.09.

1 ~~(5) (4)~~ The office may withhold the identity of sources of  
2 information to protect from retaliation any person who files a complaint  
3 or provides information in good faith pursuant to the Office of Inspector  
4 General of the Nebraska Correctional System Act.

5 Sec. 4. Any person who has authority to recommend, approve, direct,  
6 or otherwise take or affect personnel action shall not, with respect to  
7 such authority:

8 (1) Take personnel action against an employee because of the  
9 disclosure of information by the employee to the office which the  
10 employee reasonably believes evidences wrongdoing under the Office of  
11 Inspector General of the Nebraska Correctional System Act;

12 (2) Take personnel action against an employee as a reprisal for the

13 submission of an allegation of wrongdoing under the act to the office by  
 14 such employee; or  
 15 (3) Take personnel action against an employee as a reprisal for  
 16 providing information or testimony pursuant to an investigation by the  
 17 office.  
 18 Sec. 5. Original sections 47-901, 47-905, and 47-912, Revised  
 19 Statutes Cumulative Supplement, 2016, are repealed.  
 20 2. On page 1, strike beginning with "section" in line 2 through line  
 21 5 and insert "sections 47-901, 47-905, and 47-912, Revised Statutes  
 22 Cumulative Supplement, 2016; to change and eliminate provisions relating  
 23 to investigations; to authorize the public release of certain reports as  
 24 prescribed; to prohibit certain personnel actions against employees; to  
 25 harmonize provisions; and to repeal the original sections."

(Signed) Anna Wishart, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 72.** Title read. Considered.

Senator Hansen offered the following amendment:

AM787

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 10-1105, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 10-1105 (1) The priority of any security interest created by a  
 6 governmental unit shall be governed by the contractual terms set forth in  
 7 the measure or measures, including the terms of any indenture or any  
 8 other agreement approved by the measure or measures, adopted by the  
 9 governmental unit. No security interest having priority over an existing  
 10 security interest may be created in violation of the terms of an existing  
 11 measure governing outstanding bonds.  
 12 (2) In the case of a bankruptcy, the bankruptcy judge shall have  
 13 discretion, to the extent allowable under law, to determine creditor  
 14 priority.  
 15 Sec. 2. Original section 10-1105, Reissue Revised Statutes of  
 16 Nebraska, is repealed.

**SPEAKER SCHEER PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Senator Hansen withdrew his amendment.

Pending.

**MESSAGE(S) FROM THE GOVERNOR**

March 29, 2017

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 8, 11, 16e, 18, 18A, 19, 29, 57, 85, 94, 99, 113, 133, 140e, 184, 185, 186, and 203 were received in my office on March 23, 2017.

These bills were signed and delivered to the Secretary of State on March 29, 2017.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 356A.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 356, One Hundred Fifth Legislature, First Session, 2017; and to declare an emergency.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 86.** Introduced by Riepe, 12.

WHEREAS, Michaela Lentsch, the daughter of Cheryl and Lonnie Lentsch of Ralston, received the Girl Scout Gold Award; and

WHEREAS, the Girl Scout Gold Award is the highest award that can be earned by a Girl Scout in grades nine through twelve; and

WHEREAS, to earn the award, a Girl Scout must identify, investigate, create a plan, and take action on a project or issue taking at least 80 hours; and

WHEREAS, for her Gold Award project, Michaela raised funds and organized the remodeling of the Lost and Found Clothing Center, a center located within the Trinity United Methodist Church in Ralston that provides free clothing to needy families; and

WHEREAS, the Legislature recognizes the hard work and perseverance of Michaela in achieving the Girl Scout Gold Award.

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

1. That the Legislature congratulates Michaela Lentsch for receiving the Girl Scout Gold Award.
2. That a copy of this resolution be sent to Michaela Lentsch.

Laid over.

**LEGISLATIVE RESOLUTION 87.** Introduced by Albrecht, 17.

WHEREAS, Curtis Blackbird, an Omaha tribal police sergeant, died in the line of duty on March 26, 2017; and

WHEREAS, Sergeant Blackbird was responding to a call in dense fog when his vehicle struck construction equipment along the highway; and

WHEREAS, Sergeant Blackbird dedicated over 30 years to serving his community, with the last 17 years as a member of the tribe's law enforcement division and as an EMT prior to that; and

WHEREAS, Sergeant Blackbird is survived by his wife, Ardetta Morris Blackbird; sisters, Betty Blackbird and Beverly Blackbird; and two grandsons; and

WHEREAS, Sergeant Blackbird will be remembered as a fearless warrior and will be missed by the entire Omaha Nation community.

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

1. That the Legislature extends its sympathy to the family of Sergeant Curtis Blackbird and expresses its gratitude for his years of service protecting the Omaha Nation community.
2. That a copy of this resolution be sent to the family of Sergeant Blackbird.

Laid over.

**AMENDMENT(S) - Print in Journal**

Senator Bolz filed the following amendment to LB180:

AM43

- 1 1. On page 2, line 21, after "parent" insert "or guardian ad litem";
- 2 and in line 29 after the period insert "The court may waive the
- 3 evidentiary hearing if all issues raised in the motion for a bridge order
- 4 are resolved by agreement of all parties and entry of a stipulated
- 5 order".
- 6 2. On page 3, after line 27, insert the following new subsection:
- 7 "(6) The district court shall give full force and effect to the
- 8 juvenile court bridge order as to custody and parenting time and shall
- 9 not modify the juvenile court bridge order without modification
- 10 proceedings as provided in subsection (8) of this section"; and in line
- 11 28 strike "(6)" and insert "(7)".

12 3. On page 4, line 4, strike "(7)" and insert "(8)"; and in line 14  
13 strike "(8)" and insert "(9)".

Senator Harr filed the following amendment to LB535:

AM795

1 1. Insert the following new section:

2 Section 1. Section 23-1503.01, Reissue Revised Statutes of Nebraska,  
3 is amended to read:

4 23-1503.01 (1) Any instrument submitted for recording in the office  
5 of the register of deeds shall contain a blank space at the top of the  
6 first page which is at least three inches by eight and one-half inches in  
7 size for recording information required by section 23-1510 by the  
8 register of deeds. If this space or the information required by such  
9 section is not provided, the register of deeds may add a page or use the  
10 back side of an existing page and charge for the page a fee established  
11 by section 33-109 for the recording of an instrument. No attachment or  
12 affirmation shall be used in any way to cover any information or printed  
13 material on the instrument.

14 (2) Printed forms primarily intended to be used for recordation  
15 purposes shall have a one-inch margin on the two vertical sides and a  
16 one-inch margin on the bottom of the page. Nonessential information such  
17 as page numbers or customer notations may be placed within the side and  
18 bottom margins.

19 (3) All instruments submitted for recording shall be on paper  
20 measuring at least eight and one-half inches by eleven inches and not  
21 larger than eight and one-half inches by fourteen inches. The instrument  
22 shall be printed, typewritten, or computer-generated in black ink on  
23 white paper of not less than twenty-pound weight without watermarks or  
24 other visible inclusions. The instrument shall be sufficiently legible to  
25 allow for a readable copy to be reproduced using the method of  
26 reproduction used by the register of deeds. A font size of at least eight  
27 points shall be presumed to be sufficiently legible. Each signature on an  
1 instrument shall be in black or dark blue ink and of sufficient color and  
2 clarity to ensure that the signature is readable when the instrument is  
3 reproduced. The signature may be a digital signature or an electronic  
4 signature. The name of each party to the instrument shall be typed,  
5 printed, or stamped beneath the original signature. An embossed or inked  
6 stamp shall not cover or otherwise materially interfere with any part of  
7 the instrument.

8 (4) This section does not apply to:

9 (a) Instruments signed before August 27, 2011;

10 (b) Instruments executed outside of the United States;

11 (c) Certified copies of instruments issued by governmental agencies,  
12 including vital records;

13 (d) Instruments signed by an original party who is incapacitated or  
14 deceased at the time the instruments are presented for recording;

15 (e) Instruments formatted to meet court requirements;

16 (f) Federal and state tax liens;

17 (g) Forms prescribed by the Uniform Commercial Code; and

18 (h) Plats, surveys, or drawings related to plats or surveys.  
19 (5) The changes made to this section by Laws 2011, LB254, do not  
20 affect the duty of a register of deeds to file an instrument presented  
21 for recordation as set forth in sections 23-1506 and 76-237.  
22 2. Renumber the remaining sections and correct the repealer  
23 accordingly.

Senator Chambers filed the following amendment to LB447A:  
AM712

1 1. On page 2, line 5, strike "\$182,685" and insert "\$38,456".

Senator Groene filed the following amendment to LB98:  
AM486

1 1. On page 2, line 31; and page 6, line 20, after the period insert  
2 "The proceeds of such tax shall not be used for a state purpose or to  
3 stay in compliance with an interstate compact.".  
4 2. On page 3, strike lines 1 through 10 and show as stricken; and in  
5 line 15 strike "(d)", show as stricken, and insert "(c)".

Senator Stinner filed the following amendment to LB151:  
AM813

(Amendments to Standing Committee amendments, AM334)

1 1. Insert the following new section:  
2 Sec. 13. Since an emergency exists, this act takes effect when  
3 passed and approved according to law.

Senator McDonnell filed the following amendment to LB72:  
AM789

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 10-1105, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 10-1105 (1) The priority of any security interest created by a  
6 governmental unit shall be governed by the contractual terms set forth in  
7 the measure or measures, including the terms of any indenture or any  
8 other agreement approved by the measure or measures, adopted by the  
9 governmental unit. No security interest having priority over an existing  
10 security interest may be created in violation of the terms of an existing  
11 measure governing outstanding bonds.  
12 (2) Notwithstanding any other provision of law, beginning on the  
13 effective date of this act in all other cases involving security  
14 interests, pensions shall have first priority, city services shall have  
15 second priority, and general obligation bonds shall have third priority.  
16 Sec. 2. Original section 10-1105, Reissue Revised Statutes of  
17 Nebraska, is repealed.

**GENERAL FILE**

**LEGISLATIVE BILL 72.** Senator Crawford offered the following amendment:

AM804

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

2 sections:

3 Section 1. Section 10-1105, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 10-1105 (1) The priority of any security interest created by a

6 governmental unit shall be governed by the contractual terms set forth in

7 the measure or measures, including the terms of any indenture or any

8 other agreement approved by the measure or measures, adopted by the

9 governmental unit. No security interest having priority over an existing

10 security interest may be created in violation of the terms of an existing

11 measure governing outstanding bonds.

12 (2) Notwithstanding any other provision of law, beginning on the

13 effective date of this act, in all other cases involving security

14 interests, governmental unit services, pensions, and retirement accounts

15 shall have first priority and general obligation bonds shall have second

16 priority.

17 Sec. 2. Original section 10-1105, Reissue Revised Statutes of

18 Nebraska, is repealed.

Pending.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Hansen name added to LB91.

Senator Blood name added to LB91.

Senator McCollister name added to LB91.

Senator Krist name added to LB91.

Senator Albrecht name added to LB91.

**VISITOR(S)**

Visitors to the Chamber were 17 fourth-grade students and teachers from Humphrey Public; and 60 fourth-grade students and teachers from Twin River Public, Genoa.

The Doctor of the Day was Dr. Natalie Tymkowych from West Point.

**ADJOURNMENT**

At 4:58 p.m., on a motion by Senator Blood, the Legislature adjourned until 9:00 a.m., Thursday, March 30, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-SIXTH DAY - MARCH 30, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 30, 2017

**PRAYER**

The prayer was offered by Senator Albrecht.

**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 Senator Hilgers who was excused; and Senator McDonnell who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-fifth day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 98.** Title read. Considered.

Senator Groene offered his amendment, AM486, found on page 846.

Senator Groene offered the following motion:  
MO67  
Bracket until June 2, 2017.

Senator Groene moved for a call of the house. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

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

Voting in the affirmative, 19:

Albrecht	Briese	Erdman	Howard	Lowe
Bostelman	Clements	Geist	Krist	Schumacher
Brasch	Craighead	Groene	Kuehn	Vargas
Brewer	Ebke	Halloran	Linehan	

Voting in the negative, 19:

Baker	Friesen	Larson	Quick	Watermeier
Blood	Hilkemann	McCollister	Scheer	Williams
Chambers	Hughes	Morfeld	Stinner	Wishart
Crawford	Kolowski	Pansing Brooks	Walz	

Present and not voting, 8:

Bolz	Harr	Lindstrom	Smith
Hansen	Kolterman	Riepe	Wayne

Excused and not voting, 3:

Hilgers	McDonnell	Murante
---------	-----------	---------

The Groene motion to bracket failed with 19 ayes, 19 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Groene amendment, AM486, found on page 846 and considered in this day's Journal, was renewed.

The Groene amendment lost with 21 ayes, 11 nays, 14 present and not voting, and 3 excused and not voting.

Senator Erdman offered the following amendment:

AM819

1 1. On page 2, line 30; and page 6, line 20, strike "FY2025-26" and  
2 insert "FY2017-18".

Pending.

#### **NOTICE OF COMMITTEE HEARING(S)**

Natural Resources

Room 1525

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

Greg Moen - Nebraska Power Review Board

(Signed) Dan Hughes, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Kuehn filed the following amendment to LB98:  
AM823

1 1. On page 2, line 31; and page 6, line 20, after the period insert  
2 "Each district shall keep separate records on the funds raised pursuant  
3 to this subdivision and shall document how such funds are expended to  
4 administer and implement ground water management activities and  
5 integrated management activities under the Nebraska Ground Water  
6 Management and Protection Act.".

Senator Smith filed the following amendment to LB263:  
AM777

(Amendments to Standing Committee amendments, AM538)

1 1. On page 82, line 5, strike beginning with "contract" through  
2 "authorized" and insert "regulated motor carrier holding a designation of  
3 authority issued"; in line 11 strike "the authority of a permit" and  
4 insert "a designation of authority"; and in line 12 strike "contract" and  
5 insert "regulated motor".  
6 2. On page 83, strike beginning with "common" in line 27 through  
7 line 31 and insert "regulated motor carrier holding a designation of  
8 authority issued pursuant to subsection (3) of section 75-311.".  
9 3. On page 84, strike line 1.  
10 4. On page 85, line 9, strike "section 75-303.01" and insert  
11 "subsection (3) of section 75-311"; and strike lines 13 through 27 and  
12 insert the following new subsections:  
13 "(3) Rates for nonemergency medical transportation service providers  
14 with a designation of authority issued pursuant to subsection (3) of  
15 section 75-311 are not subject to commission regulation, and regulated  
16 motor carriers with such a designation reimbursed under this section are  
17 not subject to commission rate regulation for such reimbursement rates.  
18 (4)(a) The Department of Health and Human Services may reimburse an  
19 individual for the costs incurred by such individual in the  
20 transportation of a person eligible to receive transportation services  
21 through the department if:  
22 (i) The individual is under contract with the department and  
23 provides transportation to the eligible person; and  
24 (ii) The eligible person has chosen the individual to provide the  
25 transportation.  
26 (b) The department shall reimburse for the costs incurred in the  
1 transportation at a rate no greater than that provided for reimbursement  
2 of state employees pursuant to section 81-1176.  
3 (c) Transportation provided to an eligible person by an individual  
4 pursuant to this section does not constitute transportation for hire.  
5 (d) The department may adopt and promulgate rules and regulations to  
6 implement this subsection.".  
7 5. On page 87, strike lines 19 through 31 and insert the following  
8 new subsection:  
9 "(3) A designation of authority shall be issued to any regulated

10 motor carrier holding a certificate under subsection (1) of this section  
 11 or a permit under subsection (2) of this section authorizing such carrier  
 12 to provide medicaid nonemergency medical transportation services pursuant  
 13 to a contract with (i) the Department of Health and Human Services, (ii)  
 14 a medicaid-managed care organization under contract with the department,  
 15 or (iii) another agent working on the department's behalf as provided  
 16 under section 75-303.01, if it is found after notice and hearing from the  
 17 application or from any hearing held on the application that the  
 18 authorization is or will be required by the present or future convenience  
 19 and necessity to serve the distinct needs of medicaid clients. In  
 20 determining whether the authorization is or will be required by the  
 21 present or future convenience and necessity to serve the distinct needs  
 22 of medicaid clients, the commission shall consult with the Director of  
 23 Medicaid and Long-Term Care of the Division of Medicaid and Long-Term  
 24 Care of the department or his or her designee."  
 25 6. On page 88, strike lines 1 through 7.

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Craighead name added to LB91.  
 Senator Wishart name added to LB91.  
 Senator Blood name added to LB267.  
 Senator Blood name added to LB427.

#### **VISITOR(S)**

Visitors to the Chamber were participants of the Leadership Bellevue program and sponsors from the Bellevue Chamber of Commerce; 36 fourth-through eighth-grade students from Fishers 24, Schuyler; 11 fourth-grade students and sponsors from St. Paul's Lutheran School, Beatrice; 36 twelfth-grade students and teacher from Wilber Clatonia; and Michael Bogus family from Kearney.

#### **RECESS**

At 11:57 a.m., on a motion by Senator Craighead, the Legislature recessed until 1:30 p.m.

#### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Hilgers who was excused; and Senators Bolz, Clements, Groene, Howard, Linehan, Morfeld, Scheer, and Wayne who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 535.** Title read. Considered.

Committee AM203, found on page 710, was adopted with 37 ayes, 0 nays, 2 present and not voting, and 10 excused and not voting.

Senator Harr offered his amendment, AM795, found on page 845.

The Harr amendment was adopted with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 91.** Title read. Considered.

Committee AM331, found on page 563, was offered.

**SPEAKER SCHEER PRESIDING**

The committee amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 180.** Title read. Considered.

Senator Bolz offered her amendment, AM43, found on page 844.

The Bolz amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

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

**LEGISLATIVE BILL 180A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 267.** Title read. Considered.

Committee AM41, found on page 484, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 137.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 172.** Title read. Considered.

Committee AM162, found on page 454, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 276.** Title read. Considered.

Committee AM50, found on page 412, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**PRESIDENT FOLEY PRESIDING**

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

**AMENDMENT(S) - Print in Journal**

Senator Baker filed the following amendment to LB225:  
AM826

(Amendments to AM611)

- 1 1. On page 16, lines 1 and 2, 14, and 22, strike "or other placement
- 2 agreement"; and in line 27 after the period insert "Such plans and
- 3 reports shall not be required to be provided by child-care institutions
- 4 physically located outside the State of Nebraska or psychiatric
- 5 residential treatment facilities."
- 6 2. On page 17, strike lines 30 and 31.
- 7 3. On page 18, strike line 1; in line 2 strike "(7)" and insert
- 8 "(6)"; in line 3 strike "and licensed"; in lines 3 and 4 strike "and
- 9 juvenile facilities"; in line 4 after "section" insert "and plans and
- 10 reports from all youth rehabilitation and treatment centers pursuant to
- 11 subsection (7) of this section"; in line 9 strike "(8)" and insert "(7)";
- 12 and strike lines 10 through 16 and insert "requirements of subsection (5)
- 13 of this section."

14 4. On page 19, line 26, strike "thirty" and insert "third".

Senator Krist filed the following amendment to LB539:  
AM817

(Amendments to ER28)

- 1 1. Insert the following new section:
- 2 Sec. 6. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.

### COMMUNICATION

March 30, 2017

Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. Clerk:

As Chairperson of the Special Committee regarding the Election Challenge to the Qualification of Senator Ernie Chambers filed by Mr. John Sciara, I hereby file with your office an *Order Affirming Burden of Proof*, adopted by the Special Committee on March 30, 2017. This *Order Affirming Burden of Proof* has been provided to both parties, pursuant to Rule 10, Sec. 4(c).

Sincerely,  
(Signed) Senator Dan Watermeier  
Chairman, Special Committee

Enclosure: *Order Affirming Burden of Proof*

### GENERAL FILE

**LEGISLATIVE BILL 217.** Title read. Considered.

Committee AM634, found on page 776, was offered.

Senator Harr offered the following amendment to the committee amendment:

AM814

(Amendments to Standing Committee amendments, AM634)

- 1 1. Insert the following new sections:
- 2 Sec. 9. Section 77-2503, Revised Statutes Cumulative Supplement,
- 3 2016, is amended to read:
- 4 77-2503 (1) An owner of an affordable housing project seeking a
- 5 Nebraska affordable housing tax credit shall file an application with the
- 6 authority on a form prescribed by the authority. A qualified taxpayer
- 7 shall be allowed a nonrefundable tax credit if the authority determines

8 that the project for which tax credits are sought is a qualified project.

9 (2) If the requirements of subsection (1) of this section are met,  
10 the authority shall issue an eligibility statement to the owner of such  
11 qualified project stating the amount of Nebraska affordable housing tax  
12 credits allocated to the qualified project. The amount of such tax  
13 credits shall be the amount of federal low-income housing tax credits  
14 available to such project, except as otherwise provided in subsection (4)  
15 of this section. Tax credits for each building in a qualified project  
16 shall be issued for the first six years of the credit period as defined  
17 in 26 U.S.C. 42(f)(1), except that any reduction in the credit allowable  
18 in the first year of the credit period due to the calculation in 26  
19 U.S.C. 42(f)(2) shall be allowable in the seventh year of the credit  
20 period. The authority shall only allocate tax credits to qualified  
21 projects that are placed in service after January 1, 2018.

22 (3) If the owner of the qualified project is (a) a partnership, (b)  
23 a limited liability company, or (c) a corporation having an election in  
24 effect under subchapter S of the Internal Revenue Code of 1986, as  
25 amended, the The Nebraska affordable housing tax credit shall be  
26 allocated among some or all of the partners, members, or shareholders of  
1 the owner of the qualified project in any manner agreed to by such  
2 persons. A qualified taxpayer may transfer, sell, or assign all or part  
3 of his or her ownership interest, including his or her interest in the  
4 tax credits authorized in this section. For any tax year in which such an  
5 interest is transferred, sold, or assigned pursuant to this subsection,  
6 the transferor assignor shall notify the Department of Revenue of the  
7 transfer, sale, or assignment and provide the tax identification number  
8 of the new owner at least thirty days prior to the new owner claiming the  
9 tax credits. The notification shall be in the manner prescribed by the  
10 department file a written statement with his or her tax return specifying  
11 the amount of the credits assigned.

12 (4) The maximum amount of Nebraska affordable housing tax credits  
13 awarded to all qualified projects in any given allocation year shall be  
14 no more than one hundred percent of the total amount of federal low-  
15 income housing tax credits awarded by the authority in the same  
16 allocation year. Notwithstanding any other provision of the Affordable  
17 Housing Tax Credit Act, the authority is prohibited from awarding to a  
18 qualified project any combined amount of federal low-income housing tax  
19 credits and Nebraska affordable housing tax credits that is more than  
20 necessary to make the qualified project financially feasible.

21 (5) Any Nebraska affordable housing tax credits granted under this  
22 section may be used to offset any income taxes due under section 77-2715  
23 or 77-2734.02, any premium and related retaliatory taxes due under  
24 section 44-150 or 77-908, or any franchise taxes due under sections  
25 77-3801 to 77-3807.

26 (6) The tax credit shall not be used to reduce the tax liability of  
27 the qualified taxpayer to less than zero. Any tax credit claimed but not  
28 used in a taxable year may be carried forward.

29 Sec. 10. Section 77-2506, Revised Statutes Cumulative Supplement,  
30 2016, is amended to read:



31 77-2506 If a portion of any federal low-income housing tax credits  
 1 taken on a qualified project is required to be recaptured or is otherwise  
 2 disallowed under 26 U.S.C. 42 during the 6-year period described in  
 3 subsection (2) of section 77-2503, a portion of the Nebraska affordable  
 4 housing tax credits with respect to such project shall also be recaptured  
 5 from the qualified taxpayer who claimed such credits. The percentage of  
 6 Nebraska affordable housing tax credits subject to recapture under this  
 7 section shall be equal to the percentage of federal low-income housing  
 8 tax credits subject to recapture or otherwise disallowed during such  
 9 period. Any Nebraska affordable housing tax credits recaptured or  
 10 disallowed under this section shall increase the tax liability of ~~be~~  
 11 ~~considered income to the qualified taxpayer who claimed the credits in a~~  
 12 ~~like amount, and such income shall be recognized by the qualified~~  
 13 ~~taxpayer~~ in the year the Department of Revenue declares the tax credits  
 14 to be disallowed or recaptured.  
 15 2. Renumber the remaining sections and correct internal references  
 16 accordingly.  
 17 3. Correct the operative date and repealer sections so that the  
 18 sections added by this amendment become operative three calendar months  
 19 after the adjournment of this legislative session.

The Harr amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 356.** Title read. Considered.

Committee AM652, found on page 815, was offered.

**SENATOR KRIST PRESIDING**

Speaker Scheer requested to pass over LB356.

**LEGISLATIVE BILL 487.** Title read. Considered.

Committee AM568, found on page 691, was offered.

Senator Morfeld offered the following amendment to the committee amendment:

AM822

(Amendments to Standing Committee amendments, AM568)

1 1. On page 53, lines 12 and 26, strike "Liable" and insert  
 2 "Personally liable"; in line 19 after the period insert "This subdivision  
 3 shall not affect the liability of such emergency medical service

4 organization for the emergency responder's acts of commission or  
5 omission."

6 2. On page 54, line 2, after the period insert "This subdivision  
7 shall not affect the liability of such law enforcement agency for the  
8 peace officer's acts of commission or omission."

The Morfeld amendment was adopted with 28 ayes, 5 nays, 12 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 31 ayes, 6 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 4 nays, 6 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 417.** Title read. Considered.

Committee AM579, found on page 707, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 376.** Title read. Considered.

Committee AM159, found on page 453, was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 10 present and not voting, and 5 excused and not voting.

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Ebke name added to LB75.  
Senator Linehan name added to LB91.  
Senator Quick name added to LB91.  
Senator Vargas name added to LB441.  
Senator Krist name added to LB562.

#### **VISITOR(S)**

Visitors to the Chamber were Bob Rauner, President of United Leukodystrophy Foundation, Lincoln; 34 fourth-grade students from Ponca Elementary School; and 50 student Pharmacists and sponsors from Creighton University and UNMC.

**ADJOURNMENT**

At 4:56 p.m., on a motion by Senator Vargas, the Legislature adjourned until 9:00 a.m., Friday, March 31, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-SEVENTH DAY - MARCH 31, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 31, 2017

**PRAYER**

The prayer was offered by Father Ryan Lewis, Daniel J. Gross High School, Omaha.

**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 Ebke and Hilgers who were excused; and Senators Craighead, Friesen, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-sixth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 166.** Placed on Select File with amendment. ER37 is available in the Bill Room.

**LEGISLATIVE BILL 35.** Placed on Select File with amendment. ER33

- 1 1. On page 1, line 7, after the first semicolon insert "to harmonize
- 2 provisions;"
- 3 2. On page 19, line 7, strike "(i)" and insert "(1)"; in line 9
- 4 strike "(ii)" and insert "(2)"; in line 10 strike "(iii)" and insert
- 5 "(3)" and strike "(iv)" and insert "(4)"; and in line 11 strike "(v)" and
- 6 insert "(5)".
- 7 3. On page 28, line 3 strike the new matter and insert "(1)"; and in
- 8 line 4 strike the new matter and insert "(2)".

**LEGISLATIVE BILL 151.** Placed on Select File with amendment.

ER31

- 1 1. In the Standing Committee amendments, AM 334, on page 5, line 1,  
 2 strike "to".
- 3 2. On page 1, strike beginning with "the" in line 1 through line 6  
 4 and insert "state and local government; to amend sections 35-507,  
 5 81-1118, 81-1348, and 84-321, Reissue Revised Statutes of Nebraska, and  
 6 sections 13-506, 13-511, 13-513, 73-506, 84-304, 84-305, and 84-311,  
 7 Revised Statutes Cumulative Supplement, 2016; to change certain published  
 8 notice of hearing requirements; to provide for remedial and late fees  
 9 under the Nebraska Budget Act; to change provisions relating to the  
 10 duration of certain state agency contracts and membership on the  
 11 Suggestion Award Board; to change powers and duties of the Auditor of  
 12 Public Accounts, provide for suitable accommodations for auditor  
 13 employees by public entities, and authorize the sharing of auditor  
 14 working papers as prescribed; to harmonize provisions; and to repeal the  
 15 original sections."

**LEGISLATIVE BILL 639.** Placed on Select File with amendment.

ER29

- 1 1. On page 1, line 5, strike "section" and insert "sections".

**LEGISLATIVE BILL 506.** Placed on Select File.**LEGISLATIVE BILL 641.** Placed on Select File with amendment.

ER32

- 1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:
- 3 Section 1. (1) The Bioscience Innovation Cash Fund is created. The  
 4 fund shall be administered by the department to provide financial  
 5 assistance to bioscience-related businesses applying for financial  
 6 assistance under the Business Innovation Act. Any money in the fund  
 7 available for investment shall be invested by the state investment  
 8 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 9 State Funds Investment Act.
- 10 (2) The State Treasurer shall credit to the fund such money as is  
 11 (a) transferred to the fund by the Legislature, (b) paid to the state as  
 12 fees, deposits, payments, and repayments relating to the fund, both  
 13 principal and interest, (c) donated as gifts, bequests, or other  
 14 contributions to such fund from public or private entities, (d) made  
 15 available by any department or agency of the United States if so directed  
 16 by such department or agency, and (e) beginning October 1, 2017, received  
 17 by the department as repayments of loans from the Nebraska Progress Loan  
 18 Fund as authorized by the federal State Small Business Credit Initiative  
 19 Act of 2010, 12 U.S.C. 5701 et seq., as such act existed on January 1,  
 20 2017.
- 21 (3) Money in the fund shall be expended by the department as  
 22 provided in section 81-12,163 for the purpose of carrying out the  
 23 Bioscience Innovation Program.

24 (4) Up to five percent of the fund may be used by the department for  
25 administrative expenses.

26 Sec. 2. (1) The department shall establish a Bioscience Innovation  
27 Program under the Business Innovation Act. The purpose of this program is  
1 to provide financial assistance to:

2 (a) Support small enterprise formation in the bioscience sector of  
3 Nebraska's rural and urban economies;

4 (b) Support the development of bioscience communities and economic  
5 opportunity through innovation in biofuels, biosensors, and biotechnology  
6 as it relates to animals, equipment, humans, industry, research, medical  
7 and health information, medical and health products, medical and health  
8 services, medical diagnostics, medical therapeutics, and pharmaceuticals;

9 (c) Enhance the creation of high-wage bioscience jobs to employ  
10 graduates of postsecondary educational institutions in Nebraska and to  
11 attract graduate students from other states;

12 (d) Encourage the development of new technologies in the bioscience  
13 sector and the creation of new startup businesses focused on bioscience;

14 (e) Leverage the state's agricultural sector to support the  
15 development of emerging bioscience technologies impacting livestock  
16 operations and crop production; and

17 (f) Leverage the bioscience research and development conducted at  
18 postsecondary educational institutions in Nebraska to create private-  
19 sector bioscience enterprises.

20 (2) Private bioscience businesses and enterprises operating in  
21 Nebraska shall be eligible for financial assistance as described in  
22 sections 81-12,157, 81-12,158, 81-12,160, and 81-12,161. A bioscience  
23 business or enterprise receiving financial assistance pursuant to any of  
24 such sections shall provide a match of one hundred percent for such  
25 assistance.

26 (3) The department may award up to two million dollars per year for  
27 financial assistance from the Bioscience Innovation Cash Fund as provided  
28 in section 81-12,163.

29 Sec. 3. Section 81-12,152, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 81-12,152 Sections 81-12,152 to 81-12,167 and sections 1 and 2 of  
1 this act shall be known and may be cited as the Business Innovation Act.

2 Sec. 4. Section 81-12,154, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 81-12,154 The purpose of the Business Innovation Act is to encourage  
5 and support the transfer of Nebraska-based technology and innovation in  
6 rural and urban areas of Nebraska in order to create high growth, high  
7 technological companies, small businesses, and microenterprises and to  
8 enhance creation of wealth and quality jobs. The Legislature finds that  
9 the act will:

10 (1) Provide technical assistance planning grants pursuant to section  
11 81-12,157 to facilitate phase one applications for the federal grant  
12 program;

13 (2) Provide financial assistance pursuant to section 81-12,157 to  
14 companies receiving phase one and phase two grants pursuant to the

15 federal grant program;  
 16 (3) Provide financial assistance pursuant to section 81-12,158 to  
 17 companies or individuals creating prototypes;  
 18 (4) Establish a financial assistance program pursuant to section  
 19 81-12,159 for innovation in value-added agriculture;  
 20 (5) Establish a financial assistance program for innovation in  
 21 biosciences;  
 22 (6) (~~5~~) Establish a financial assistance program pursuant to section  
 23 81-12,160 to identify commercial products and processes;  
 24 (7) (~~6~~) Provide financial assistance pursuant to section 81-12,161  
 25 to companies using Nebraska public or private college and university  
 26 researchers and facilities for applied research projects;  
 27 (8) (~~7~~) Provide support and funding pursuant to section 81-12,162  
 28 for microlending and microenterprise entities; and  
 29 (9) (~~8~~) Provide support for locally owned and operated Nebraska-  
 30 based, high growth businesses by providing technical resources to foster  
 31 development, growth, and high wage creation. For purposes of this  
 1 subdivision, Nebraska-based, high growth business means a corporation,  
 2 partnership, limited liability company, limited partnership, or limited  
 3 liability partnership registered with the Secretary of State that has two  
 4 to fifty employees and has annual sales of no less than five hundred  
 5 thousand dollars and no more than two million five hundred thousand  
 6 dollars.  
 7 Sec. 5. Original sections 81-12,152 and 81-12,154, Reissue Revised  
 8 Statutes of Nebraska, are repealed.  
 9 2. On page 1, strike beginning with "economic" in line 1 through  
 10 line 7 and insert "the Business Innovation Act; to amend sections  
 11 81-12,152 and 81-12,154, Reissue Revised Statutes of Nebraska; to provide  
 12 for a Bioscience Innovation Program; to create a fund; to provide duties  
 13 for the Director of Economic Development; to harmonize provisions; and to  
 14 repeal the original sections."

**LEGISLATIVE BILL 161.** Placed on Select File.

**LEGISLATIVE BILL 122.** Placed on Select File.

**LEGISLATIVE BILL 222.** Placed on Select File with amendment.

ER38

1 1. On page 5, line 4, after the semicolon insert "and".

**LEGISLATIVE BILL 600.** Placed on Select File with amendment.

ER35

1 1. On page 1, line 2; and page 14, line 12, strike "54-1,102" and  
 2 insert "54-1,100".

(Signed) Anna Wishart, Chairperson



**AMENDMENT(S) - Print in Journal**

Senator Crawford filed the following amendment to LB225:  
AM840

(Amendments to Standing Committee amendments, AM611)

1 1. On page 6, line 11, strike beginning with "be" through "ten" and  
2 insert "not exceed three"; and strike beginning with "The" in line 14  
3 through the period in line 17 and all amendments thereto.

**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>

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 30, 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

Pollock, Andy  
The Rockwood Group

**GENERAL FILE**

**LEGISLATIVE BILL 75.** Title read. Considered.

Senator Larson moved for a call of the house. The motion prevailed with 22  
ayes, 5 nays, and 22 not voting.

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

Voting in the affirmative, 28:

Baker	Erdman	Kolowski	McDonnell	Walz
Blood	Groene	Kolterman	Morfeld	Wayne
Bolz	Halloran	Krist	Pansing Brooks	Williams
Brewer	Hansen	Larson	Quick	Wishart
Chambers	Harr	Linehan	Schumacher	
Crawford	Howard	McCollister	Vargas	

Voting in the negative, 8:

Albrecht	Briese	Geist	Murante
Bostelman	Clements	Lindstrom	Riepe

Present and not voting, 10:

Brasch	Hilkemann	Kuehn	Scheer	Stinner
Craighead	Hughes	Lowe	Smith	Watermeier

Excused and not voting, 3:

Ebke	Friesen	Hilgers
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Advanced to Enrollment and Review Initial with 28 ayes, 8 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 512.** Title read. Considered.

Committee AM724, found on page 824, was offered.

Pending.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 263.** Placed on Select File with amendment.

ER41

1 1. On page 1, strike beginning with "certificates" in line 1 through  
 2 line 19 and insert "government; to amend sections 13-910, 37-1201,  
 3 37-1279, 37-1283, 37-1287, 60-168.02, 60-192, 60-394, 60-3,126, 60-3,184,  
 4 60-483, 60-4,109, 60-4,168.01, 60-506.01, 60-699, 60-6,168, 75-110,  
 5 75-303.01, 75-303.02, 75-303.03, 76-2316, 76-2319, 76-2320, 81-8,219, and  
 6 83-123, Reissue Revised Statutes of Nebraska, and sections 60-101,  
 7 60-102, 60-119.01, 60-144, 60-149, 60-154, 60-155, 60-161, 60-164,  
 8 60-166, 60-301, 60-302, 60-336.01, 60-363, 60-372, 60-385, 60-386,  
 9 60-3,104, 60-3,104.01, 60-3,113.04, 60-3,118, 60-3,120, 60-3,121,  
 10 60-3,122, 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,124, 60-3,125,  
 11 60-3,128, 60-3,135.01, 60-3,141, 60-3,161, 60-3,193.01, 60-3,224,  
 12 60-3,227, 60-3,229, 60-3,231, 60-462.01, 60-479.01, 60-4,108,  
 13 60-4,147.02, 60-4,168, 60-501, 60-628.01, 60-1505, 60-2904, 60-2907,  
 14 75-128, 75-306, 75-309, 75-311, 75-363, 75-364, 75-366, 75-369.03,  
 15 75-392, 75-393, 76-2325, and 77-2703, Revised Statutes Cumulative  
 16 Supplement, 2016; to change provisions relating to the State Boat Act,  
 17 the Motor Vehicle Certificate of Title Act, the Motor Vehicle  
 18 Registration Act, the Motor Vehicle Operator's License Act, the Motor  
 19 Vehicle Safety Responsibility Act, the Nebraska Rules of the Road, the  
 20 Uniform Motor Vehicle Records Disclosure Act, and the One-Call  
 21 Notification System Act; to change provisions relating to the use of a  
 22 fund and certain registration and title records kept by the Department of  
 23 Motor Vehicles; to provide for an electronic dealer services system; to

24 change provisions relating to the Public Service Commission, motor  
 25 carriers, and the issuance of license plates; to harmonize provisions; to  
 26 provide a duty for the Revisor of Statutes; to provide operative dates;  
 27 to repeal the original sections; and to declare an emergency."

**LEGISLATIVE BILL 625.** Placed on Select File.

**LEGISLATIVE BILL 289.** Placed on Select File with amendment.  
 ER39 is available in the Bill Room.

**LEGISLATIVE BILL 34.** Placed on Select File

**LEGISLATIVE BILL 432.** Placed on Select File with amendment.  
 ER34

1 1. On page 1, line 2, strike "eliminate" and insert "change"; and in  
 2 line 4 strike "operative dates" and insert "an operative date".

**LEGISLATIVE BILL 444.** Placed on Select File with amendment.  
 ER36

1 1. In the Standing Committee amendments, AM467, on page 1, line 16,  
 2 strike each occurrence of "or".  
 3 2. On page 1, line 3, strike "law enforcement officers" and insert  
 4 "first responders".

(Signed) Anna Wishart, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Halloran filed the following amendment to LR6:  
 AM758

1 1. Insert the following new paragraph:  
 2 "2. This legislative resolution reflects and reaffirms the  
 3 Legislature's ongoing commitment to fiscal restraint stated in LR 106,  
 4 Eighty-Fourth Legislature, Second Session (1976), requesting either that  
 5 the Congress of the United States propose a balanced budget amendment to  
 6 the United States Constitution for ratification by the states or call a  
 7 constitutional convention to propose such an amendment, reaffirmed in LR  
 8 538, One Hundred First Legislature, Second Session (2010)."  
 9 2. Renumber the remaining paragraphs accordingly.

Senator Schumacher filed the following amendment to LB148:  
 AM835

1 1. Strike the E and R amendments, ER21, and insert the following new  
 2 amendments:  
 3 a. On page 27, line 10, strike "and" and show as stricken.  
 4 b. On page 37, line 20; and page 45, line 12, strike "subsection"  
 5 and insert "subdivision".  
 6 c. On page 37, line 29, after the underscored semicolon insert "or".  
 7 d. On page 42, line 14, reinstate the stricken "unless".

- 8 e. On page 43, line 6, strike the semicolon, show as stricken, and  
 9 insert an underscored period; and in line 7 strike "(c)".  
 10 f. On page 45, line 21, strike "this subsection", show the old  
 11 matter as stricken, and insert "subdivision (8)(a) of this section".  
 12 g. On page 61, lines 3 and 5, reinstate the last stricken comma.  
 13 h. On page 65, line 29; and page 68, line 14, strike the first  
 14 "director", show as stricken, and insert "Director of Banking and  
 15 Finance".

### GENERAL FILE

**LEGISLATIVE BILL 512.** Committee AM724, found on page 824 and considered in this day's Journal, was renewed.

### SPEAKER SCHEER PRESIDING

Senator Harr offered the following amendment to the committee amendment:

AM845

(Amendments to Education Committee amendments, AM724)

- 1 1. Strike sections 6 and 14 and insert the following new section:  
 2 Sec. 10. Section 79-819, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 79-819 A contract for employment of a teacher or administrator  
 5 authorized under section 79-818 shall contain (1) a provision by which  
 6 the employed person affirms that he or she holds or will hold, at the  
 7 beginning of the term of the contract, a valid certificate properly  
 8 registered with the school district and that he or she is not under  
 9 contract with another school board of a school district in this state and  
 10 (2) a provision that there shall be no penalty for release from the  
 11 contract.  
 12 Such contract may provide for the voluntary termination of  
 13 employment under specified conditions in exchange for payments not to  
 14 exceed forty-five thousand dollars per year for any employee.  
 15 2. On page 31, lines 16 through 18 and lines 26 through 29 strike  
 16 the new matter and reinstate the stricken matter.  
 17 3. On page 63, line 20, after "4," insert "10,".  
 18 4. Renumber the remaining sections and correct the operative date  
 19 and repealer sections accordingly.

### SENATOR KRIST PRESIDING

Senator Harr withdrew his amendment.

Senator Harr offered the following amendment to the committee amendment:

AM857

(Amendments to Education Committee amendments, AM724)

- 1 1. Strike sections 6 and 14 and insert the following new section:

2 Sec. 10. Section 79-819, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 79-819 A contract for employment of a teacher or administrator  
 5 authorized under section 79-818 shall contain (1) a provision by which  
 6 the employed person affirms that he or she holds or will hold, at the  
 7 beginning of the term of the contract, a valid certificate properly  
 8 registered with the school district and that he or she is not under  
 9 contract with another school board of a school district in this state and  
 10 (2) a provision that there shall be no penalty for release from the  
 11 contract.  
 12 Such contract may provide for the voluntary termination of  
 13 employment under specified conditions in exchange for payments not to  
 14 exceed forty-five thousand dollars for any employee.  
 15 2. On page 31, lines 16 through 18 and lines 26 through 29 strike  
 16 the new matter and reinstate the stricken matter.  
 17 3. On page 63, line 20, after "4," insert "10,".  
 18 4. Renumber the remaining sections and correct the operative date  
 19 and repealer sections accordingly.

Senator Pansing Brooks moved the previous question. The question is,  
 "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays,  
 and 23 not voting.

Senator Pansing Brooks moved for a call of the house. The motion prevailed  
 with 26 ayes, 3 nays, and 20 not voting.

Senator Harr requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 23:

Baker	Harr	McCollister	Riepe	Walz
Blood	Hilkemann	McDonnell	Scheer	Wayne
Bolz	Howard	Morfeld	Schumacher	Wishart
Crawford	Kolowski	Pansing Brooks	Smith	
Hansen	Krist	Quick	Vargas	

Voting in the negative, 17:

Albrecht	Briese	Friesen	Hughes	Watermeier
Bostelman	Clements	Geist	Kuehn	
Brasch	Craighead	Groene	Linehan	
Brewer	Erdman	Halloran	Lowe	

Present and not voting, 5:

Kolterman	Lindstrom	Murante	Stinner	Williams
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Excused and not voting, 4:

Chambers      Ebke              Hilgers              Larson

The Harr amendment lost with 23 ayes, 17 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Groene moved for a call of the house. The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Senator Groene requested a roll call vote on the committee amendment.

Voting in the affirmative, 33:

Albrecht	Clements	Halloran	Linehan	Stinner
Blood	Craighead	Hilkemann	Lowe	Vargas
Bolz	Crawford	Howard	McCollister	Watermeier
Bostelman	Erdman	Hughes	Morfeld	Wayne
Brasch	Friesen	Kolterman	Scheer	Wishart
Brewer	Geist	Kuehn	Schumacher	
Briese	Groene	Lindstrom	Smith	

Voting in the negative, 4:

Hansen	Harr	McDonnell	Quick
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Present and not voting, 5:

Baker	Kolowski	Krist	Riepe	Walz
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Absent and not voting, 2:

Pansing Brooks Williams

Excused and not voting, 5:

Chambers	Ebke	Hilgers	Larson	Murante
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The committee amendment was adopted with 33 ayes, 4 nays, 5 present and not voting, 2 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 32 ayes, 2 nays, 10 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 317.** Title read. Considered.

Committee AM19, found on page 348, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**AMENDMENT(S) - Print in Journal**

Senator Bolz filed the following amendment to LB263:  
AM670

(Amendments to Standing Committee amendments, AM538)

1 1. Insert the following new sections:

2 Sec. 31. Section 60-393, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4 60-393 Any owner who has two or more motor vehicles or trailers  
5 required to be registered under the Motor Vehicle Registration Act may  
6 register all such motor vehicles or trailers on a calendar-year basis or  
7 on an annual basis for the same registration period beginning in a month  
8 chosen by the owner. When electing to establish the same registration  
9 period for all such motor vehicles or trailers, the owner shall pay the  
10 registration fee, the motor vehicle tax imposed in section 60-3,185, the  
11 motor vehicle fee imposed in section 60-3,190, and the alternative fuel  
12 fee imposed in section 60-3,191 on each motor vehicle for the number of  
13 months necessary to extend its current registration period to the  
14 registration period under which all such motor vehicles or trailers will  
15 be registered. Credit shall be given for registration paid on each motor  
16 vehicle or trailer when the motor vehicle or trailer has a later  
17 expiration date than that chosen by the owner except as otherwise  
18 provided in sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,  
19 60-3,224, and 60-3,227 and section 59 of this act. Thereafter all such  
20 motor vehicles or trailers shall be registered on an annual basis  
21 starting in the month chosen by the owner.

22 Sec. 33. Section 60-395, Revised Statutes Cumulative Supplement,  
23 2016, is amended to read:

24 60-395 (1) Except as otherwise provided in subsection (2) of this  
25 section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,  
26 60-3,224, and 60-3,227 and section 59 of this act, the registration shall  
1 expire and the registered owner or lessee may, by returning the  
2 registration certificate, the license plates, and, when appropriate, the  
3 validation decals and by either making application on a form prescribed  
4 by the department to the county treasurer of the occurrence of an event  
5 described in subdivisions (a) through (e) of this subsection or, in the  
6 case of a change in situs, displaying to the county treasurer the  
7 registration certificate of such other state as evidence of a change in  
8 situs, receive a refund of that part of the unused fees and taxes on  
9 motor vehicles or trailers based on the number of unexpired months  
10 remaining in the registration period from the date of any of the

11 following events:

12 (a) Upon transfer of ownership of any motor vehicle or trailer;

13 (b) In case of loss of possession because of fire, theft,

14 dismantlement, or junking;

15 (c) When a salvage branded certificate of title is issued;

16 (d) Whenever a type or class of motor vehicle or trailer previously

17 registered is subsequently declared by legislative act or court decision

18 to be illegal or ineligible to be operated or towed on the public roads

19 and no longer subject to registration fees, the motor vehicle tax imposed

20 in section 60-3,185, the motor vehicle fee imposed in section 60-3,190,

21 and the alternative fuel fee imposed in section 60-3,191;

22 (e) Upon a trade-in or surrender of a motor vehicle under a lease;

23 or

24 (f) In case of a change in the situs of a motor vehicle or trailer

25 to a location outside of this state.

26 (2) If the date of the event falls within the same calendar month in

27 which the motor vehicle or trailer is acquired, no refund shall be

28 allowed for such month.

29 (3) If the transferor or lessee acquires another motor vehicle at

30 the time of the transfer, trade-in, or surrender, the transferor or

31 lessee shall have the credit provided for in this section applied toward

1 payment of the motor vehicle fees and taxes then owing. Otherwise, the

2 transferor or lessee shall file a claim for refund with the county

3 treasurer upon an application form prescribed by the department.

4 (4) The registered owner or lessee shall make a claim for refund or

5 credit of the fees and taxes for the unexpired months in the registration

6 period within sixty days after the date of the event or shall be deemed

7 to have forfeited his or her right to such refund or credit.

8 (5) For purposes of this section, the date of the event shall be:

9 (a) In the case of a transfer or loss, the date of the transfer or loss;

10 (b) in the case of a change in the situs, the date of registration in

11 another state; (c) in the case of a trade-in or surrender under a lease,

12 the date of trade-in or surrender; (d) in the case of a legislative act,

13 the effective date of the act; and (e) in the case of a court decision,

14 the date the decision is rendered.

15 (6) Application for registration or for reassignment of license

16 plates and, when appropriate, validation decals to another motor vehicle

17 or trailer shall be made within thirty days of the date of purchase.

18 (7) If a motor vehicle or trailer was reported stolen under section

19 60-178, a refund under this section shall not be reduced for a lost plate

20 charge and a credit under this section may be reduced for a lost plate

21 charge but the applicant shall not be required to pay the plate fee for

22 new plates.

23 (8) The county treasurer shall refund the motor vehicle fee and

24 registration fee from the fees which have not been transferred to the

25 State Treasurer. The county treasurer shall make payment to the claimant

26 from the undistributed motor vehicle taxes of the taxing unit where the

27 tax money was originally distributed. No refund of less than two dollars

28 shall be paid.



29 Sec. 34. Section 60-396, Revised Statutes Cumulative Supplement,  
30 2016, is amended to read:

31 60-396 Whenever the registered owner files an application with the  
1 county treasurer showing that a motor vehicle or trailer is disabled and  
2 has been removed from service, the registered owner may, by returning the  
3 registration certificate, the license plates, and, when appropriate, the  
4 validation decals or, in the case of the unavailability of such  
5 registration certificate or certificates, license plates, or validation  
6 decals, then by making an affidavit to the county treasurer of such  
7 disablement and removal from service, receive a credit for a portion of  
8 the registration fee from the fee deposited with the State Treasurer at  
9 the time of registration based upon the number of unexpired months  
10 remaining in the registration year except as otherwise provided in  
11 sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,224, and  
12 60-3,227 and section 59 of this act. The owner shall also receive a  
13 credit for the unused portion of the motor vehicle tax and fee based upon  
14 the number of unexpired months remaining in the registration year. When  
15 the owner registers a replacement motor vehicle or trailer at the time of  
16 filing such affidavit, the credit may be immediately applied against the  
17 registration fee and the motor vehicle tax and fee for the replacement  
18 motor vehicle or trailer. When no such replacement motor vehicle or  
19 trailer is so registered, the county treasurer shall forward the  
20 application and affidavit, if any, to the State Treasurer who shall  
21 determine the amount, if any, of the allowable credit for the  
22 registration fee and issue a credit certificate to the owner. For the  
23 motor vehicle tax and fee, the county treasurer shall determine the  
24 amount, if any, of the allowable credit and issue a credit certificate to  
25 the owner. When such motor vehicle or trailer is removed from service  
26 within the same month in which it was registered, no credits shall be  
27 allowed for such month. The credits may be applied against taxes and fees  
28 for new or replacement motor vehicles or trailers incurred within one  
29 year after cancellation of registration of the motor vehicle or trailer  
30 for which the credits were allowed. When any such motor vehicle or  
31 trailer is reregistered within the same registration year in which its  
1 registration has been canceled, the taxes and fees shall be that portion  
2 of the registration fee and the motor vehicle tax and fee for the  
3 remainder of the registration year.

4 Sec. 49. Section 60-3,130.04, Revised Statutes Cumulative  
5 Supplement, 2016, is amended to read:

6 60-3,130.04 (1) An owner of a historical vehicle eligible for  
7 registration under section 60-3,130 may use a license plate or plates  
8 designed by this state in the year corresponding to the model year when  
9 the vehicle was manufactured in lieu of the plates designed pursuant to  
10 section 60-3,130.03 subject to the approval of the department. The  
11 department shall inspect the plate or plates and may approve the plate or  
12 plates if it is determined that the model-year license plate or plates  
13 are legible and serviceable and that the license plate numbers do not  
14 conflict with or duplicate other numbers assigned and in use. An  
15 original-issued license plate or plates that have been restored to

16 original condition may be used when approved by the department.

17 (2) The department may consult with a recognized car club in  
18 determining whether the year of the license plate or plates to be used  
19 corresponds to the model year when the vehicle was manufactured.

20 (3) If only one license plate is used on the vehicle, the license  
21 plate shall be placed on the rear of the vehicle. The owner of a  
22 historical vehicle may use only one plate on the vehicle even for years  
23 in which two license plates were issued for vehicles in general.

24 (4) License plates used pursuant to this section corresponding to  
25 the year of manufacture of the vehicle shall not be personalized message  
26 license plates, Pearl Harbor license plates, prisoner-of-war license  
27 plates, disabled veteran license plates, Purple Heart license plates,  
28 amateur radio station license plates, Nebraska Cornhusker Spirit Plates,  
29 handicapped or disabled person license plates, specialty license plates,  
30 special interest motor vehicle license plates, Military Honor Plates,  
31 Nebraska 150 Sesquicentennial Plates, Breast Cancer Awareness Plates, ~~or~~  
1 Mountain Lion Conservation Plates, or Native American Cultural Awareness  
2 and History Plates.

3 Sec. 58. (1) The department, in consultation with the Commission on  
4 Indian Affairs, shall design license plates to be known as Native  
5 American Cultural Awareness and History Plates. The design shall reflect  
6 the unique culture and history of Native American tribes historically and  
7 currently located in Nebraska. The design shall be selected on the basis  
8 of limiting the manufacturing cost of each plate to an amount less than  
9 or equal to the amount charged for license plates pursuant to section  
10 60-3,102. The department shall make applications available for this type  
11 of plate by January 1, 2018. The department may adopt and promulgate  
12 rules and regulations to carry out this section and section 59 of this  
13 act.

14 (2) One type of Native American Cultural Awareness and History  
15 Plates shall be alphanumeric plates.

16 The department shall:

17 (a) Assign a designation up to five characters; and

18 (b) Not use a county designation.

19 (3) One type of Native American Cultural Awareness and History  
20 Plates shall be personalized message plates. Such plates shall be issued  
21 subject to the same conditions specified for personalized message license  
22 plates in section 60-3,118, except that a maximum of five characters may  
23 be used.

24 Sec. 59. (1) Beginning January 1, 2018, a person may apply to the  
25 department for Native American Cultural Awareness and History Plates in  
26 lieu of regular license plates on an application prescribed and provided  
27 by the department for any motor vehicle or trailer, except for a motor  
28 vehicle or trailer registered under section 60-3,198. An applicant  
29 receiving a Native American Cultural Awareness and History Plate for a  
30 farm truck with a gross weight of over sixteen tons shall affix the  
31 appropriate tonnage decal to the plate. The department shall make forms  
1 available for such applications through the county treasurers. The  
2 license plates shall be issued upon payment of the license fee described

3 in subsection (2) of this section.

4 (2)(a) In addition to all other fees required for registration under  
5 the Motor Vehicle Registration Act, each application for initial issuance  
6 or renewal of alphanumeric Native American Cultural Awareness and History  
7 Plates shall be accompanied by a fee of five dollars. County treasurers  
8 collecting fees pursuant to this subdivision shall remit them to the  
9 State Treasurer. The State Treasurer shall credit five dollars of the fee  
10 to the Native American Scholarship and Leadership Fund.

11 (b) In addition to all other fees required for registration under  
12 the Motor Vehicle Registration Act, each application for initial issuance  
13 or renewal of personalized message Native American Cultural Awareness and  
14 History Plates shall be accompanied by a fee of forty dollars. County  
15 treasurers collecting fees pursuant to this subdivision shall remit them  
16 to the State Treasurer. The State Treasurer shall credit twenty-five  
17 percent of the fee for initial issuance and renewal of such plates to the  
18 Department of Motor Vehicles Cash Fund and seventy-five percent of the  
19 fee to the Native American Scholarship and Leadership Fund.

20 (3) Until January 1, 2019, when the department receives an  
21 application for Native American Cultural Awareness and History Plates,  
22 the department shall deliver the plates to the county treasurer of the  
23 county in which the motor vehicle or trailer is registered. Beginning  
24 January 1, 2019, when the department receives an application for Native  
25 American Cultural Awareness and History Plates, the department may  
26 deliver the plates and registration certificate to the applicant by  
27 United States mail or to the county treasurer of the county in which the  
28 motor vehicle or trailer is registered and the delivery of the plates and  
29 registration certificate shall be made through a secure process and  
30 system. The county treasurer or the department shall issue Native  
31 American Cultural Awareness and History Plates in lieu of regular license  
1 plates when the applicant complies with the other provisions of the Motor  
2 Vehicle Registration Act for registration of the motor vehicle or  
3 trailer. If Native American Cultural Awareness and History Plates are  
4 lost, stolen, or mutilated, the licensee shall be issued replacement  
5 license plates upon request pursuant to section 60-3,157.

6 (4) The owner of a motor vehicle or trailer bearing Native American  
7 Cultural Awareness and History Plates may apply to the county treasurer  
8 to have such plates transferred to a motor vehicle or trailer other than  
9 the motor vehicle or trailer for which such plates were originally  
10 purchased if such motor vehicle or trailer is owned by the owner of the  
11 plates. The owner may have the unused portion of the fee for the plates  
12 credited to the other motor vehicle or trailer which will bear the plates  
13 at the rate of eight and one-third percent per month for each full month  
14 left in the registration period. Application for such transfer shall be  
15 accompanied by a fee of three dollars. Fees collected pursuant to this  
16 subsection shall be remitted to the State Treasurer for credit to the  
17 Department of Motor Vehicles Cash Fund.

18 (5) If the cost of manufacturing Native American Cultural Awareness  
19 and History Plates at any time exceeds the amount charged for license  
20 plates pursuant to section 60-3,102, any money to be credited to the

21 Native American Scholarship and Leadership Fund shall instead be credited  
 22 first to the Highway Trust Fund in an amount equal to the difference  
 23 between the manufacturing costs of Native American Cultural Awareness and  
 24 History Plates and the amount charged pursuant to section 60-3,102 with  
 25 respect to such plates and the remainder shall be credited to the Native  
 26 American Scholarship and Leadership Fund.

27 Sec. 98. The Native American Scholarship and Leadership Fund is  
 28 created. The fund shall be administered by the Commission on Indian  
 29 Affairs and shall consist of money credited to the fund pursuant to  
 30 section 59 of this act. The commission shall use the fund to provide  
 31 scholarships to Native Americans to attend a postsecondary educational  
 1 institution in this state and to provide other leadership opportunities  
 2 to Native Americans as determined by the commission. Any money in the  
 3 fund available for investment shall be invested by the state investment  
 4 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 5 State Funds Investment Act.

6 2. On page 23, line 20, strike "section 25" and insert "sections 25,  
 7 58, and 59".

8 3. On page 28, after line 7 insert the following new subdivision:

9 "(24) Native American Cultural Awareness and History Plates issued  
 10 pursuant to sections 58 and 59 of this act;"; in line 8 strike "(24)",  
 11 show as stricken, and insert "(25)"; in line 10 strike "(25)", show as  
 12 stricken, and insert "(26)"; in line 12 strike "(26)", show as stricken,  
 13 and insert "(27)"; in line 14 strike "(27)", show as stricken, and insert  
 14 "(28)"; in line 17 strike "(28)", show as stricken, and insert "(29)"; in  
 15 line 20 strike "(29)", show as stricken, and insert "(30)"; in line 22  
 16 strike "(30)", show as stricken, and insert "(31)"; in line 24 strike  
 17 "(31)", show as stricken, and insert "(32)"; in line 27 strike "(32)",  
 18 show as stricken, and insert "(33)"; in line 29 strike "(33)", show as  
 19 stricken, and insert "(34)"; and in line 31 strike "(34)", show as  
 20 stricken, and insert "(35)".

21 4. On page 29, line 2, strike "(35)", show as stricken, and insert  
 22 "(36)"; in line 4 strike "(36)", show as stricken, and insert "(37)"; in  
 23 line 5 strike "(37)", show as stricken, and insert "(38)"; in line 7  
 24 strike "(38)", show as stricken, and insert "(39)"; in line 9 strike  
 25 "(39)", show as stricken, and insert "(40)"; in line 12 strike "(40)",  
 26 show as stricken, and insert "(41)"; in line 13 strike "(41)", show as  
 27 stricken, and insert "(42)"; in line 15 strike "(42)", show as stricken,  
 28 and insert "(43)"; in line 16 strike "(43)", show as stricken, and insert  
 29 "(44)"; in line 17 strike "(44)", show as stricken, and insert "(45)"; in  
 30 line 22 strike "(45)", show as stricken, and insert "(46)"; and in line  
 31 24 strike "(46)", show as stricken, and insert "(47)".

1 5. Renumber the remaining sections and correct internal references  
 2 accordingly.

3 6. Correct the operative date and repealer sections so that the  
 4 sections added by this amendment become operative three calendar months  
 5 after the adjournment of this legislative session.

Senator Lindstrom filed the following amendment to LR6:

AM755

1 1. In paragraph 1 strike ", limit the power and jurisdiction of the  
2 federal government,".

Senator Blood filed the following amendment to LB88:

AM810

(Amendments to E&R amendments, ER26)

1 1. Insert the following new sections:

2 Sec. 53. Section 38-1509, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 38-1509 (1) Except as otherwise provided in this section, no ~~No~~

5 person shall engage in the sale of or practice of fitting hearing

6 instruments or display a sign or in any other way advertise or represent

7 himself or herself as a person who practices the fitting and sale or

8 dispensing of hearing instruments unless he or she holds an unsuspended,

9 unrevoked hearing instrument specialist license issued by the department

10 as provided in the Hearing Instrument Specialists Practice Act. A hearing

11 instrument specialist license shall confer upon the holder the right to

12 select, fit, and sell hearing instruments. A person holding a license

13 issued under the act prior to August 30, 2009, may continue to practice

14 under such license until it expires under the terms of the license.

15 (2) A licensed audiologist who maintains a practice pursuant to

16 licensure as an audiologist in which hearing instruments are regularly

17 dispensed or who intends to maintain such a practice shall ~~also be exempt~~

18 from the requirement to be licensed as a hearing instrument specialist

19 ~~pursuant to subsection (4) of section 38-1512.~~

20 (3) Nothing in the act shall prohibit a corporation, partnership,

21 limited liability company, trust, association, or other like organization

22 maintaining an established business address from engaging in the business

23 of selling or offering for sale hearing instruments at retail without a

24 license if it employs only properly licensed natural persons in the

25 direct sale and fitting of such products.

26 (4) Nothing in the act shall prohibit the holder of a hearing

1 instrument specialist license from the fitting and sale of wearable

2 instruments or devices designed for or offered for the purpose of

3 conservation or protection of hearing.

4 Sec. 54. Section 38-1512, Reissue Revised Statutes of Nebraska, is

5 amended to read:

6 38-1512 (1) Any person may obtain a hearing instrument specialist

7 license under the Hearing Instrument Specialists Practice Act by

8 successfully passing a qualifying examination if the applicant:

9 (a) Is at least twenty-one years of age; and

10 (b) Has an education equivalent to a four-year course in an

11 accredited high school.

12 (2) The qualifying examination shall consist of written and

13 practical tests. The examination shall not be conducted in such a manner

14 that college training is required in order to pass. Nothing in this

15 examination shall imply that the applicant is required to possess the

16 degree of medical competence normally expected of physicians.  
 17 (3) The department shall give examinations approved by the board. A  
 18 minimum of two examinations shall be offered each calendar year.  
 19 (4) ~~The department shall issue a hearing instrument specialist~~  
 20 ~~license without examination to a licensed audiologist who maintains a~~  
 21 ~~practice pursuant to licensure as an audiologist in which hearing~~  
 22 ~~instruments are regularly dispensed or who intends to maintain such a~~  
 23 ~~practice upon application to the department, proof of licensure as an~~  
 24 ~~audiologist, and payment of a twenty five dollar fee.~~  
 25 2. Renumber the remaining sections and correct internal references  
 26 accordingly.  
 27 3. Correct the operative date and repealer sections so that the  
 28 sections added by this amendment become operative three calendar months  
 29 after the adjournment of this legislative session.

Senator Blood filed the following amendment to LB222:

AM816

1 1. On page 8, line 16, after the period insert "The commission shall  
 2 review the plan annually and update as necessary.".

Senator Morfeld filed the following amendment to LB641:

AM854

(Amendments to the E and R amendments, ER32)

1 1. On page 1, lines 21 and 22, strike "as provided in section  
 2 81-12,163".  
 3 2. On page 2, strike lines 26 through 28.

Senator Wishart filed the following amendment to LB506:

AM851

1 1. Insert the following new sections:  
 2 Sec. 5. Section 71-3407, Revised Statutes Cumulative Supplement,  
 3 2016, is amended to read:  
 4 71-3407 (1) The purposes of the team shall be to (a) develop an  
 5 understanding of the causes and incidence of child or maternal deaths in  
 6 this state, (b) develop recommendations for changes within relevant  
 7 agencies and organizations which may serve to prevent child or maternal  
 8 deaths, and (c) advise the Governor, the Legislature, and the public on  
 9 changes to law, policy, and practice which will prevent child or maternal  
 10 deaths.  
 11 (2) The team shall:  
 12 (a) Undertake annual statistical studies of the causes and incidence  
 13 of child or maternal deaths in this state. The studies shall include, but  
 14 not be limited to, an analysis of the records of community, public, and  
 15 private agency involvement with the children, the pregnant or postpartum  
 16 women, and their families prior to and subsequent to the child or  
 17 maternal deaths;  
 18 (b) Develop a protocol for retrospective investigation of child or  
 19 maternal deaths by the team;  
 20 (c) Develop a protocol for collection of data regarding child or

21 maternal deaths by the team;  
 22 (d) Consider training needs, including cross-agency training, and  
 23 service gaps;  
 24 (e) Include in its annual report recommended changes to any law,  
 25 rule, regulation, or policy needed to decrease the incidence of  
 26 preventable child or maternal deaths;  
 27 (f) Educate the public regarding the incidence and causes of child  
 1 or maternal deaths, the public role in preventing child or maternal  
 2 deaths, and specific steps the public can undertake to prevent child or  
 3 maternal deaths. The team may enlist the support of civic, philanthropic,  
 4 and public service organizations in the performance of its educational  
 5 duties;  
 6 (g) Provide the Governor, the Legislature, and the public with  
 7 annual reports which shall include the team's findings and  
 8 recommendations for each of its duties. The team shall provide the annual  
 9 report on or before each September 15. For 2013 and 2014, the team shall  
 10 also provide the report to the Health and Human Services Committee of the  
 11 Legislature on or before September 15. The reports submitted to the  
 12 Legislature shall be submitted electronically; and  
 13 (h) When appropriate, make referrals to those agencies as required  
 14 in section 28-711 or as otherwise required by state law.  
 15 (3) The team may enter into consultation agreements with relevant  
 16 experts to evaluate the information and records collected by the team.  
 17 All of the confidentiality provisions of section 71-3411 shall apply to  
 18 the activities of a consulting expert.  
 19 (4) The team may enter into written agreements with entities to  
 20 provide for the secure storage of electronic data based on information  
 21 and records collected by the team, including data that contains personal  
 22 or incident identifiers. Such agreements shall provide for the protection  
 23 of the security and confidentiality of the content of the information,  
 24 including access limitations, storage of the information, and destruction  
 25 of the information. All of the confidentiality provisions of section  
 26 71-3411 shall apply to the activities of the data storage entity.  
 27 ~~(5)~~ (4) The team may enter into agreements with a local public  
 28 health department as defined in section 71-1626 to act as the agent of  
 29 the team in conducting all information gathering and investigation  
 30 necessary for the purposes of the Child and Maternal Death Review Act.  
 31 All of the confidentiality provisions of section 71-3411 shall apply to  
 1 the activities of the agent.  
 2 (6) For purposes of this section, entity means an organization which  
 3 provides collection and storage of data from multiple agencies but is not  
 4 solely controlled by the agencies providing the data.  
 5 Sec. 6. Original section 71-3407, Revised Statutes Cumulative  
 6 Supplement, 2016, is repealed.  
 7 2. On page 2, line 1, strike "This" and insert "Sections 1 to 4 of  
 8 this"; and after line 8 insert the following new subdivision:  
 9 "(3) Nurse practitioner means any person licensed to practice as a  
 10 nurse practitioner in this state."; in line 9 strike "(3)" and insert  
 11 "(4)"; in line 18 strike "(4)" and insert "(5)"; and in line 30 after

12 "physicians" insert "and nurse practitioners".

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 641A.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 641, One Hundred Fifth Legislature, First Session, 2017.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 88.** Introduced by Vargas, 7.

WHEREAS, Helen (Caniglia) Butera celebrated her 100th birthday on March 29, 2017; and

WHEREAS, Helen Marie Caniglia was born in Omaha to Italian immigrants Gaetano Caniglia and Mary Anne Nigro on March 29, 1917; and

WHEREAS, Helen was married to Louis Anthony Butera in 1937 at Saint Philomena's Cathedral, which, in 1961, was renamed Saint Frances Cabrini Church; and

WHEREAS, Helen has four children, eight grandchildren, twenty-one great-grandchildren, and fifteen great-great-grandchildren; and

WHEREAS, Helen is a lifelong parishioner of Saint Frances Cabrini, where she was baptized, confirmed, and married; and

WHEREAS, Helen is very active in her community, belonging to many clubs and organizations, including the Sons of Italy; and

WHEREAS, Helen is an avid bowler and card player and a kind friend and neighbor. She is also renowned for her personal motto, "If you treat people how you want to be treated, you'll always have friends."; and

WHEREAS, the celebration of Helen Butera's 100th birthday is worthy of recognition by the Legislature.

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

1. That the Legislature wishes Helen Butera a very happy 100th birthday.
2. That a copy of this resolution be sent to Helen Butera.

Laid over.

**LEGISLATIVE RESOLUTION 89.** Introduced by Watermeier, 1.

WHEREAS, the Humboldt-Table Rock-Steinauer High School speech team won the 2017 Class C-2 State Speech Championship; and

WHEREAS, the Titans won with a score of 110 points; and



WHEREAS, this victory was thanks to the efforts of Alex Fairchild-Flynn, James Jones, John Kanel, Chase Merwin, Tanner Merwin, Lauren Patzel, Trenton Plager, Matilyn Stalder, Kendall Werts, and Chloe Workman; and

WHEREAS, Coach Carl Linnerson guided the team to this outstanding victory; and

WHEREAS, throughout the year the Titans have demonstrated that hard work, dedication, and discipline produce remarkable results; and

WHEREAS, such a team achievement was made possible not only by the students' performance and Coach Linnerson's guidance, but also by the support of teachers, administrators, parents, and the community.

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

1. That the Legislature congratulates the Humboldt-Table Rock-Steinauer speech team on winning the 2017 Class C-2 State Speech Championship.

2. That a copy of this resolution be sent to the Humboldt-Table Rock-Steinauer Titans speech team and Coach Carl Linnerson.

Laid over.

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Pansing Brooks name added to LB267.

Senator Pansing Brooks name added to LB285.

#### **VISITOR(S)**

Visitors to the Chamber were 40 students from Peru State College; 45 fourth-grade students and sponsors from Syracuse Middle School; 14 seventh- and eighth-grade students, teachers, and sponsors from Golden Plains Mennonite School, Madrid; 40 fourth-grade students from North Bend Central Elementary; and members of Student Education Association of Nebraska.

The Doctor of the Day was Dr. Jeff Gotschall from Columbus.

#### **MOTION - Adjournment**

Senator Halloran moved to adjourn. The motion prevailed with 25 ayes, 10 nays, 8 present and not voting, and 6 excused and not voting, and at 11:56 a.m., the Legislature adjourned until 9:00 a.m., Monday, April 3, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-EIGHTH DAY - APRIL 3, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 3, 2017

**PRAYER**

The prayer was offered by Pastor Johnny Walker, West First Chapel Church, 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 Senators Friesen, Hansen, Larson, Morfeld, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-seventh day was approved.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 535.** Placed on Select File with amendment.  
ER42

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 23-1503.01, Reissue Revised Statutes of Nebraska,
- 4 is amended to read:
- 5 23-1503.01 (1) Any instrument submitted for recording in the office
- 6 of the register of deeds shall contain a blank space at the top of the
- 7 first page which is at least three inches by eight and one-half inches in
- 8 size for recording information required by section 23-1510 by the
- 9 register of deeds. If this space or the information required by such
- 10 section is not provided, the register of deeds may add a page or use the
- 11 back side of an existing page and charge for the page a fee established
- 12 by section 33-109 for the recording of an instrument. No attachment or
- 13 affirmation shall be used in any way to cover any information or printed
- 14 material on the instrument.
- 15 (2) Printed forms primarily intended to be used for recordation

16 purposes shall have a one-inch margin on the two vertical sides and a  
17 one-inch margin on the bottom of the page. Nonessential information such  
18 as page numbers or customer notations may be placed within the side and  
19 bottom margins.

20 (3) All instruments submitted for recording shall be on paper  
21 measuring at least eight and one-half inches by eleven inches and not  
22 larger than eight and one-half inches by fourteen inches. The instrument  
23 shall be printed, typewritten, or computer-generated in black ink on  
24 white paper of not less than twenty-pound weight without watermarks or  
25 other visible inclusions. The instrument shall be sufficiently legible to  
26 allow for a readable copy to be reproduced using the method of  
27 reproduction used by the register of deeds. A font size of at least eight  
1 points shall be presumed to be sufficiently legible. Each signature on an  
2 instrument shall be in black or dark blue ink and of sufficient color and  
3 clarity to ensure that the signature is readable when the instrument is  
4 reproduced. The signature may be a digital signature or an electronic  
5 signature. The name of each party to the instrument shall be typed,  
6 printed, or stamped beneath the original signature. An embossed or inked  
7 stamp shall not cover or otherwise materially interfere with any part of  
8 the instrument.

9 (4) This section does not apply to:

- 10 (a) Instruments signed before August 27, 2011;
- 11 (b) Instruments executed outside of the United States;
- 12 (c) Certified copies of instruments issued by governmental agencies,  
13 including vital records;
- 14 (d) Instruments signed by an original party who is incapacitated or  
15 deceased at the time the instruments are presented for recording;
- 16 (e) Instruments formatted to meet court requirements;
- 17 (f) Federal and state tax liens;
- 18 (g) Forms prescribed by the Uniform Commercial Code; and
- 19 (h) Plats, surveys, or drawings related to plats or surveys.

20 (5) The changes made to this section by Laws 2011, LB254, do not  
21 affect the duty of a register of deeds to file an instrument presented  
22 for recordation as set forth in sections 23-1506 and 76-237.

23 Sec. 2. Section 76-214, Revised Statutes Cumulative Supplement,  
24 2016, is amended to read:

25 76-214 (1) Except as provided in subsection (4) of this section,  
26 every grantee who has a deed to real estate recorded and every purchaser  
27 of real estate who has a memorandum of contract or land contract recorded  
28 shall, at the time such deed, memorandum of contract, or land contract is  
29 presented for recording, file with the register of deeds a completed  
30 statement as prescribed by the Tax Commissioner. For all deeds and all  
31 memoranda of contract and land contracts recorded on and after January 1,  
1 2001, the statement shall not require the social security number of the  
2 grantee or purchaser or the federal employer identification number of the  
3 grantee or purchaser. This statement may require the recitation of any  
4 information contained in the deed, memorandum of contract, or land  
5 contract, the total consideration paid, the amount of the total  
6 consideration attributable to factors other than the purchase of the real

7 estate itself, and other factors which may influence the transaction. If  
8 a death certificate is recorded as provided in subsection (2) of this  
9 section, this statement may require a date of death, the name of the  
10 decedent, and whether the title is affected as a result of a transfer on  
11 death deed, a joint tenancy deed, or the expiration of a life estate or  
12 by any other means. This statement shall be signed and filed by the  
13 grantee, the purchaser, or his or her authorized agent. The register of  
14 deeds shall forward the statement to the county assessor. If the grantee  
15 or purchaser fails to furnish the prescribed statement, the register of  
16 deeds shall not record the deed, memorandum of contract, or land  
17 contract. The register of deeds shall indicate on the statement the book  
18 and page or computer system reference where the deed, memorandum of  
19 contract, or land contract is recorded and shall immediately forward the  
20 statement to the county assessor. The county assessor shall process the  
21 statement according to the instructions of the Property Tax Administrator  
22 and shall, pursuant to the rules and regulations of the Tax Commissioner,  
23 forward the statement to the Tax Commissioner.

24 (2)(a) The statement described in subsection (1) of this section  
25 shall be filed at the time that a certified or authenticated copy of the  
26 grantor's death certificate is filed if such death certificate is  
27 required to be filed under section 76-2,126 and the conveyance of real  
28 estate was pursuant to a transfer on death deed.

29 (b) The statement described in subsection (1) of this section shall  
30 not be required to be filed at the time that a transfer on death deed is  
31 filed or at the time that an instrument of revocation of a transfer on  
1 death deed as described in subdivision (a)(1)(B) of section 76-3413 is  
2 filed.

3 (3) Any person shall have access to the statements at the office of  
4 the Tax Commissioner, county assessor, or register of deeds if the  
5 statements are available and have not been disposed of pursuant to the  
6 records retention and disposition schedule as approved by the State  
7 Records Administrator.

8 (4) The statement described in subsection (1) of this section shall  
9 not be required if the document being recorded is an easement or an oil,  
10 gas, or mineral lease, or any subsequent assignment of an easement or  
11 such lease, except that such statement shall be required for conservation  
12 easements and preservation easements as such terms are defined in section  
13 76-2,111.

14 Sec. 3. Original section 23-1503.01, Reissue Revised Statutes of  
15 Nebraska, and section 76-214, Revised Statutes Cumulative Supplement,  
16 2016, are repealed.

17 2. On page 1, strike beginning with "conveyances" in line 1 through  
18 line 4 and insert "; to amend section 23-1503.01, Reissue Revised  
19 Statutes of Nebraska, and section 76-214, Revised Statutes Cumulative  
20 Supplement, 2016; to authorize digital or electronic signatures for  
21 instruments submitted to the register of deeds as prescribed; to provide  
22 exemptions from a requirement to file a statement regarding the  
23 conveyance of real estate; and to repeal the original sections."

**LEGISLATIVE BILL 91.** Placed on Select File.

**LEGISLATIVE BILL 180.** Placed on Select File with amendment.  
ER43

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. (1) A juvenile court may terminate its jurisdiction
- 4 under subdivision (3)(a) of section 43-247 by transferring jurisdiction
- 5 over the juvenile's custody, physical care, and visitation to the
- 6 district court through a bridge order, if all of the following criteria
- 7 are met:
- 8 (a) The juvenile has been adjudicated under subdivision (3)(a) of
- 9 section 43-247 in an active juvenile court case and a dispositional order
- 10 in that case is in place;
- 11 (b) Paternity of the juvenile has been legally established,
- 12 including by operation of law due to an individual's marriage to the
- 13 mother at the time of conception, birth, or at any time during the period
- 14 between conception and birth of the child; by order of a court of
- 15 competent jurisdiction; or by administrative order when authorized by
- 16 law;
- 17 (c) The juvenile has been safely placed by the juvenile court with a
- 18 legal parent; and
- 19 (d) The juvenile court has determined that its jurisdiction under
- 20 subdivision (3)(a) of section 43-247 should properly end once orders for
- 21 custody, physical care, and visitation are entered by the district court.
- 22 (2) When the criteria in subsection (1) of this section are met, a
- 23 legal parent or guardian ad litem to a juvenile adjudicated under
- 24 subdivision (3)(a) of section 43-247 in juvenile court may file a motion
- 25 with the juvenile court for a bridge order under subsection (3) of this
- 26 section. The parent is not required to intervene in the action. The
- 27 motion shall be set for evidentiary hearing by the juvenile court no less
- 1 than thirty days or more than ninety days from the date of the filing of
- 2 the motion. The juvenile court, on its own motion, may also set an
- 3 evidentiary hearing on the issue of a bridge order if such hearing is set
- 4 no less than thirty days from the date of notice to the parties. The
- 5 court may waive the evidentiary hearing if all issues raised in the
- 6 motion for a bridge order are resolved by agreement of all parties and
- 7 entry of a stipulated order.
- 8 (3) A motion for a bridge order shall:
- 9 (a) Allege that the juvenile court action filed under subdivision
- 10 (3)(a) of section 43-247 may safely be closed once orders for custody,
- 11 physical care, and visitation have been entered by the district court;
- 12 (b) State the relief sought by the petitioning legal parent;
- 13 (c) Disclose any other action or proceedings affecting custody of
- 14 the juvenile, including proceedings related to domestic violence,
- 15 protection orders, terminations of parental rights, and adoptions,
- 16 including the docket number, court, county, and state of any such
- 17 proceeding;
- 18 (d) State the names and addresses of any persons other than the

19 legal parents who have a court order for physical custody or claim to  
20 have custody or visitation rights with the juvenile; and  
21 (e) Name as a respondent any other person who has any relation to  
22 the controversy.  
23 (4) A juvenile court shall designate the petitioner and respondent  
24 for purposes of a bridge order. A bridge order shall only address matters  
25 of legal and physical custody and parenting time. All other matters,  
26 including child support, shall be resolved by filing a separate petition  
27 or motion or by action of the child support enforcement office and shall  
28 be subject to existing applicable statutory provisions. No mediation or  
29 specialized alternative dispute resolution under section 42-364 shall be  
30 required in either district court or juvenile court where the juvenile  
31 has entered a bridge order. The Parenting Act shall not apply to the  
1 entry of the bridge order in juvenile or district court.  
2 (5) Upon transferring jurisdiction from a juvenile court to a  
3 district court, the clerk of the district court shall docket the case  
4 under either a new docket or any previous docket establishing custody or  
5 paternity of a child.  
6 (6) The district court shall give full force and effect to the  
7 juvenile court bridge order as to custody and parenting time and shall  
8 not modify the juvenile court bridge order without modification  
9 proceedings as provided in subsection (8) of this section.  
10 (7) A district court shall take judicial notice of the juvenile  
11 court pleadings and orders in any hearing held subsequent to transfer.  
12 Records contained in the district court case file that were copied or  
13 transferred from the juvenile court file concerning the case shall be  
14 subject to section 43-2,108 and other confidentiality provisions of the  
15 Nebraska Juvenile Code, and such records shall only be disclosed, upon  
16 request, to the child support enforcement office without a court order.  
17 (8) Following the issuance of a bridge order, a party may file a  
18 petition in district court for modification of the bridge order as to  
19 legal and physical custody or parenting time. If the petition for  
20 modification is filed within one year after the filing date of the bridge  
21 order, the party requesting modification shall not be required to  
22 demonstrate a substantial change of circumstance but instead shall  
23 demonstrate that such modification is in the best interests of the child.  
24 If a petition for modification is filed within one year after the filing  
25 date of the bridge order, filing fees and other court costs shall not be  
26 assessed against the parties.  
27 (9) Nothing in this section shall be construed to require  
28 appointment of counsel for the parties in the district court action.  
29 Sec. 2. Section 43-2,129, Reissue Revised Statutes of Nebraska, is  
30 amended to read:  
31 43-2,129 Sections 43-245 to 43-2,129 and section 1 of this act shall  
1 be known and may be cited as the Nebraska Juvenile Code.  
2 Sec. 3. Section 43-2924, Reissue Revised Statutes of Nebraska, is  
3 amended to read:  
4 43-2924 (1) The Parenting Act shall apply to proceedings or  
5 modifications filed on or after January 1, 2008, in which parenting

6 functions for a child are at issue (a) under Chapter 42, including, but  
 7 not limited to, proceedings or modification of orders for dissolution of  
 8 marriage and child custody and (b) under sections 43-1401 to 43-1418. The  
 9 Parenting Act may apply to proceedings or modifications in which  
 10 parenting functions for a child are at issue under Chapter 30 or 43. The  
 11 Parenting Act shall also apply to subsequent modifications of bridge  
 12 orders entered under section 1 of this act by a separate juvenile court  
 13 or county court sitting as a juvenile court and docketed in a district  
 14 court.  
 15 (2) The Parenting Act does not apply in any action filed by a county  
 16 attorney or authorized attorney pursuant to his or her duties under  
 17 section 42-358, 43-512 to 43-512.18, or 43-1401 to 43-1418, the Income  
 18 Withholding for Child Support Act, the Revised Uniform Reciprocal  
 19 Enforcement of Support Act before January 1, 1994, or the Uniform  
 20 Interstate Family Support Act for purposes of the establishment of  
 21 paternity and the establishment and enforcement of child and medical  
 22 support or a bridge order entered under section 1 of this act by a  
 23 separate juvenile court or county court sitting as a juvenile court and  
 24 docketed in a district court. A county attorney or authorized attorney  
 25 shall not participate in the development of or court review of a  
 26 parenting plan under the Parenting Act. If both parents are parties to a  
 27 paternity or support action filed by a county attorney or authorized  
 28 attorney, the parents may proceed with a parenting plan.  
 29 Sec. 4. Original sections 43-2,129 and 43-2924, Reissue Revised  
 30 Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 180A.** Placed on Select File.

**LEGISLATIVE BILL 267.** Placed on Select File.

**LEGISLATIVE BILL 137.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**  
 Nebraska Retirement Systems

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Richard DeFusco - Nebraska Investment Council

Aye: 6 Bolz, Groene, Kolowski, Kolterman, Lindstrom, Stinner. Nay: 0.  
 Absent: 0. Present and not voting: 0.

(Signed) Mark Kolterman, Chairperson



**AMENDMENT(S) - Print in Journal**

Senator Friesen filed the following amendment to LR6:  
AM757

1 1. Strike paragraph 3 and insert the following new paragraph:  
2 "3. This application constitutes an application in accordance with  
3 Article V of the Constitution of the United States until the legislatures  
4 of at least two-thirds of the several states have made applications on  
5 the same subject or the State of Nebraska rescinds the application."

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 79 and 80 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 79 and 80.

**MOTION(S) - Return LB46 to Select File**

Senator Chambers moved to return LB46 to Select File for his specific amendment, FA9, found on page 359.

Senator Watermeier offered the following motion:  
MO68

Invoke cloture pursuant to Rule 7, Sec. 10.

The Watermeier motion to invoke cloture prevailed with 35 ayes, 6 nays, 7 present and not voting, and 1 excused and not voting.

Senator Chambers withdrew his motion to return.

**BILL ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB46 with 42 ayes, 2 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 46.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2016; to provide for Choose Life License Plates; to change provisions relating to personalized message license plates;

to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

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

Voting in the negative, 5:

Chambers	Howard	Krist	McCollister	Morfeld
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Present and not voting, 8:

Baker	Kolowski	Schumacher	Walz
Hansen	Pansing Brooks	Vargas	Wishart

Excused and not voting, 1:

Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **MOTION(S) - Return LB46A to Select File**

Senator Chambers moved to return LB46A to Select File for the following specific amendment:

FA51

Strike the enacting clause.

#### **SENATOR KRIST PRESIDING**

Senator Chambers withdrew his motion to return.

#### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 46A.**

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.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Albrecht	Crawford	Halloran	Kuehn	Scheer
Bolz	Ebke	Harr	Lindstrom	Smith
Bostelman	Erdman	Hilgers	Linehan	Watermeier
Brasch	Friesen	Hilkemann	McDonnell	Williams
Brewer	Geist	Hughes	Quick	
Clements	Groene	Kolterman	Riepe	

Voting in the negative, 3:

Chambers	Krist	Schumacher
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Present and not voting, 17:

Baker	Hansen	Lowe	Pansing Brooks	Wishart
Blood	Howard	McCollister	Stinner	
Briese	Kolowski	Morfeld	Vargas	
Craighead	Larson	Murante	Walz	

Excused and not voting, 1:

Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **GENERAL FILE**

**LEGISLATIVE BILL 641A.** Title read. Considered.

#### **PRESIDENT FOLEY PRESIDING**

Senator Morfeld moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Senator Morfeld requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 38:

Albrecht	Crawford	Hughes	McCollister	Stinner
Baker	Ebke	Kolowski	McDonnell	Vargas
Blood	Friesen	Kolterman	Morfeld	Walz
Bolz	Hansen	Kuehn	Murante	Watermeier
Brasch	Harr	Larson	Pansing Brooks	Williams
Brewer	Hilgers	Lindstrom	Quick	Wishart
Briese	Hilkemann	Linehan	Scheer	
Craighead	Howard	Lowe	Smith	

Voting in the negative, 2:

Chambers      Erdman

Present and not voting, 8:

Bostelman	Geist	Halloran	Riepe
Clements	Groene	Krist	Schumacher

Excused and not voting, 1:

Wayne

Advanced to Enrollment and Review Initial with 38 ayes, 2 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 46 and 46A.

#### **SELECT FILE**

**LEGISLATIVE BILL 407.** ER18, found on page 685, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 148.** ER21, found on page 775, was adopted.

Senator Schumacher offered his amendment, AM835, found on page 867.

The Schumacher amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 590.** ER19, found on page 776, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 207.** ER20, found on page 776, was adopted.

Senator Krist withdrew his amendment, AM721, found on page 788.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 518.** ER23, found on page 792, was adopted.

Senator Williams offered his amendment, AM687, found on page 836.

The Williams amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 518A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 566.** ER24, found on page 815, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 210.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 182.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 339.** ER30, found on page 839, was adopted.

Senator Krist offered his amendment, AM770, found on page 830.

Senator Krist moved for a call of the house. The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

The Krist amendment was adopted with 25 ayes, 8 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

**LEGISLATIVE BILL 539.** ER28, found on page 839, was adopted.

Senator Krist offered his amendment, AM817, found on page 855.

The Krist amendment was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 600.** ER35, found on page 864, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 625.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 92.** Senator Riepe offered his amendment, AM609, found on page 688.

The Riepe amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 195.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 271.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 9.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 225.** ER27, found on page 819, was adopted.

Senator Baker offered his amendment, AM826, found on page 854.

The Baker amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Senator Crawford offered her amendment, AM840, found on page 865.

The Crawford amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 340.** ER25, found on page 820, was adopted.

Senator Murante offered the following amendment:

AM799

1 1. On page 8, after line 31 insert the following new paragraph:  
 2 "Any appropriation and salary limit provided in any legislative bill  
 3 enacted by the One Hundred Fifth Legislature, First Session, to Agency  
 4 No. 25, Department of Health and Human Services, in the following program  
 5 classification, shall be null and void, and any such amounts are hereby  
 6 appropriated to Agency No. 28, Department of Veterans' Affairs: Program  
 7 No. 519, Nebraska Veterans' Homes. Any financial obligations of the  
 8 Department of Health and Human Services for Program No. 519, Nebraska  
 9 Veterans' Homes, that remain unpaid as of June 30, 2017, and that are  
 10 subsequently certified as valid encumbrances to the accounting division  
 11 of the Department of Administrative Services pursuant to sections  
 12 81-138.01 to 81-138.04, shall be paid by the Department of Veterans'  
 13 Affairs from the unexpended balance of appropriations existing in such  
 14 program classification on June 30, 2017.".

The Murante amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 88.** ER26, found on page 832, was adopted.

Senator Blood offered her amendment, AM810, found on page 877.

The Blood amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Senator Schumacher offered the following amendment:

AM864

(Amendments to E and R amendments, ER26)

1 1. Insert the following new section:  
 2 Sec. 69. Section 38-2220, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 38-2220 An applicant for a license to practice as a registered nurse  
 5 shall submit satisfactory proof that the applicant has completed four  
 6 years of high school study or its equivalent as determined by the board  
 7 and has completed the basic professional curriculum in and holds a  
 8 diploma from an accredited program of registered nursing approved by the  
 9 board. There is no minimum age requirement for licensure as a registered  
 10 nurse. Graduates of foreign nursing programs shall pass a board-approved  
 11 examination and, unless a graduate of a nursing program in Canada,  
 12 provide a satisfactory evaluation of the education program attended by  
 13 the applicant from a board-approved foreign credentials evaluation  
 14 service the Canadian Nurses Association examination or hold a certificate

15 ~~from the Commission on Graduates of Foreign Nursing Schools.~~  
 16 2. Renumber the remaining sections, amend the repealer, and correct  
 17 internal references accordingly.

The Schumacher amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 90.** Introduced by Clements, 2.

WHEREAS, on March 12, 2017, the Platteview Senior High School band was traveling by bus to San Antonio, Texas, to perform at the Alamo. Fifty-nine students were riding on the bus, along with twelve sponsors and the band's director, Jerry Layher; and

WHEREAS, while heading south on the Kansas Turnpike, the bus driver passed out and the bus hit a concrete barrier while traveling at highway speed; and

WHEREAS, Mr. Layher acted swiftly to take control of the bus and steer it to safety; and

WHEREAS, the quick thinking and heroic actions of Mr. Layher saved lives and averted a tragedy; and

WHEREAS, no one was seriously injured and the band continued their journey and performed at the Alamo as scheduled without dwelling on the incident.

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

1. That the Legislature commends Jerry Layher for his life-saving actions and educational leadership.
2. That a copy of this resolution be sent to Mr. Layher.

Laid over.

### COMMUNICATION

April 3, 2017

Patrick O'Donnell  
 Clerk of the Legislature  
 State Capitol  
 Lincoln, NE 68509

Dear Mr. Clerk:

As Chairperson of the Special Committee regarding the Election Challenge to the Qualification of Senator Ernie Chambers filed by Mr. John Sciara, I



hereby file with your office an *Order Regarding Notice of Violation of Ex Parte Communication*. This *Order* has been sent to both parties, pursuant to Rule 10, Sec. 4(c).

Sincerely,  
(Signed) Senator Dan Watermeier  
Chairman, Special Committee

Enclosure: *Order Regarding Notice of Violation of Ex Parte Communication*

#### **ANNOUNCEMENT**

##### Notice of Issuance of Legislative Subpoenas

Pursuant to Rule 3, Sec. 21(A)(iii), the Special Committee on the Election Challenge to the Qualification of Senator Ernie Chambers of District 11 has issued legislative subpoenas to the following persons to appear before that committee on Friday, April 7, 2017, to testify on matters under consideration by said committee. The subpoenas were issued on Friday, March 31, 2017.

John Sciara  
Senator Ernie W. Chambers  
Senator Carol Blood  
Senator John Lowe  
Scott A. Harris, Sr.  
Cynthia Grandberry

#### **AMENDMENT(S) - Print in Journal**

Senator Williams filed the following amendment to LB142:  
AM179

1 1. On page 4, line 2, after "list" insert "in whatever form".

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 3, 2017, at 11:26 a.m. were the following: LBs 46 and 46A.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Pansing Brooks name added to LB75.

**VISITOR(S)**

Visitors to the Chamber were 19 fourth-grade students and sponsors from Faith Lutheran School, Lincoln; 15 fourth-grade students from St. Patrick Elementary, Lincoln; and Ben Victor, Standing Bear sculptor and Paige Paulson from Boise, ID.

**RECESS**

At 12:01 p.m., on a motion by Senator Watermeier, 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 Bolz, Smith, and Wayne who were excused until they arrive.

**SELECT FILE**

**LEGISLATIVE BILL 506.** Senator Wishart offered her amendment, AM851, found on page 878.

The Wishart amendment was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 641.** ER32, found on page 862, was adopted.

Senator Morfeld offered his amendment, AM854, found on page 878.

The Morfeld amendment was adopted with 38 ayes, 0 nays, and 11 present and not voting.

Senator Schumacher offered the following amendment:  
AM868

(Amendments to E&R amendments, ER32)

- 1 1. Strike sections 3, 4, and 5.
- 2 2. On page 1, strike beginning with "applying" in line 5 through
- 3 "Act" in line 6; strike beginning with "transferred" in line 11 through
- 4 "(d)" in line 14; in line 14 strike the first comma and strike "(e)" and
- 5 insert "(b)"; strike lines 21 through 23; in line 24 strike "(4)" and
- 6 insert "(3)"; after line 25 insert:
- 7 "(4) The fund shall terminate on exhaustion of its funds following
- 8 receipt of the final loan repayment provided for in subdivision (2)(b) of

9 this section.

10 (5) No money in the fund shall be expended directly or indirectly to  
 11 promote or oppose any candidate for public office or to influence state  
 12 legislation."; and in line 27 strike "under the Business Innovation Act".  
 13 3. On page 2, strike beginning with "as" in line 21 through  
 14 "81-12,161" in line 22; strike beginning with "pursuant" in line 23  
 15 through "sections" in line 24; and strike lines 26 through 28 and insert:  
 16 "(3) To the extent that funds are available, the department may  
 17 provide financial assistance from the Bioscience Innovation Cash Fund to  
 18 carry out the purposes of this section.  
 19 (4) The department shall by March 1, 2018, submit electronically a  
 20 report to the Legislature of financial assistance provided under this  
 21 section. The report shall list (a) the identity of each recipient and if  
 22 the recipient was not an individual, the equity holders of the recipient,  
 23 if any, (b) the location of any enterprises formed, and (c) the purposes  
 24 for which the financial assistance was given.  
 25 (5) The program shall terminate when the fund created under section  
 26 1 of this act terminates."  
 1 4. Strike amendment 2.

Senator Schumacher offered the following amendment to his amendment:  
 FA52

Amend AM868

Strike on page 1, line 21 beginning with "if" through the first comma on line  
 23, page 1.

#### **PRESIDENT FOLEY PRESIDING**

The Schumacher amendment lost with 0 ayes, 37 nays, and 12 present and  
 not voting.

Senator Lindstrom offered the following amendment to the Schumacher  
 amendment:

AM902

(Amendments to Schumacher amendment, AM868)

1 1. Strike amendments 1 and 4.  
 2 2. On page 1, strike beginning with "strike" in line 2 through the  
 3 semicolon in line 6; strike beginning with "(5)" in line 10 through "Act"  
 4 in line 12; and strike beginning with "strike" in line 13 through "(5)"  
 5 in line 25 and insert "after line 28 insert '(4)'".  
 6 3. Renumber the remaining amendments accordingly.

Senator Lindstrom moved for a call of the house. The motion prevailed with  
 32 ayes, 5 nays, and 12 not voting.

#### **SPEAKER SCHEER PRESIDING**

Senator Lindstrom requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 32:

Blood	Hilkemann	Lindstrom	Quick	Watermeier
Craighead	Howard	Linehan	Riepe	Wayne
Crawford	Hughes	McCollister	Scheer	Williams
Ebke	Kolowski	McDonnell	Smith	Wishart
Hansen	Kolterman	Morfeld	Stinner	
Harr	Krist	Murante	Vargas	
Hilgers	Larson	Pansing Brooks	Walz	

Voting in the negative, 15:

Albrecht	Brasch	Clements	Geist	Kuehn
Baker	Brewer	Erdman	Groene	Lowe
Bostelman	Briese	Friesen	Halloran	Schumacher

Present and not voting, 2:

Bolz                      Chambers

The Lindstrom amendment was adopted with 32 ayes, 15 nays, and 2 present and not voting.

The Schumacher amendment, AM868, as amended, was adopted with 28 ayes, 15 nays, and 6 present and not voting.

Pending.

### COMMUNICATION(S)

April 3, 2017

Mr. Patrick O'Donnell  
 Clerk of the Legislature  
 Room 2018  
 State Capitol Building  
 P.O. Box 94694  
 Lincoln, Nebraska 68509-4604

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-404, R.R.S. of Nebraska, 1943, Legislative approval is required for the following University of Nebraska at Kearney (UNK) project:

**University of Nebraska at Kearney, Nebraska Student Union Remodel. The**

proposed project will remodel a significant portion of the ground floor, and finishes on multiple floors, to provide more open and connected circulation and retail spaces. The Board of Regents authorized this expenditure at its March 31, 2017 meeting. The total project is estimated to cost \$6,000,000.

This expenditure relates to certain funds, the Fifth Series Resolution dated February 15, 1993, (the "Restricted Fund"), as supplemented and amended to the General Bond Resolution dated May 1, 1984, created to finance renewals, replacements, betterments and equipment to maintain the Fifth Series Revenues Facilities.

In order to operate efficiently and maintain maximum use and occupancy of the Facilities as defined under the 1984 and 1993 resolutions; the Board has authorized the transfer of up to \$5,000,000 from restricted funds for this project.

**Request.** The University requests approval of the Nebraska Student Union Remodel project to be financed from restricted funds (2015 Fifth Series Surplus Fund), held under the 1993 Resolution, in the amount of \$5,000,000.

Attached for your reference are the agenda items and resolutions approved by the Board of Regents.

Thank you for your consideration of these projects.

Respectfully submitted,  
(Signed) Carmen K. Maurer  
Corporation Secretary

April 3, 2017

Senator Dan Watermeier  
Chairperson, Executive Board  
Room 2108  
State Capitol  
Lincoln, NE 68509

Dear Senator Watermeier,

Enclosed is correspondence from Carmen K. Maurer, Corporation Secretary for the Office of the President of the University of Nebraska. The correspondence relates to expenditure of bond funds for the following:

*University of Nebraska at Kearney-Nebraska Student Union Remodel.*

I am forwarding this correspondence to you for Executive Board action.

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

PJO:ck

Enclosure

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board referred the University of Nebraska at Kearney's request to issue revenue bonds to the Appropriations Committee for further consideration.

(Signed) Dan Watermeier, Chairperson  
 Executive Board

### AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendments to LB661:  
 AM876

1 1. On page 2, line 12, after "(2)" insert "Despite knowing that the  
 2 federal Food and Drug Administration had placed a total and absolute ban  
 3 on the importation of sodium thiopental for any purpose, the Governor,  
 4 Attorney General, and Director of Correctional Services labored for  
 5 months trying to arrange through an unscrupulous, disreputable drug  
 6 dealer in India the unlawful importation of the illegal drug for use in  
 7 judicial executions, by means of lethal injection which was developed by  
 8 the Nazis, public knowledge of such clandestine action must be thwarted  
 9 at all costs.".

AM877

1 1. Page 2, line 12, strike "Records" and insert "Although a direct  
 2 repudiation of the Legislature's often repeated claim that there should  
 3 be transparency and full disclosure in the conducting of the business of  
 4 the public, records".

AM878

1 1. On page 2, line 12, strike "Records" and insert "Because there is  
 2 something inherently unsavory and ghoulish about the ritualistic,  
 3 ceremonial extinguishment of human life by the state in judicial  
 4 executions by means of lethal injection which was developed by the Nazis,  
 5 records".

AM879

1 1. On page 2, line 12, strike "Records" and insert "Because those  
 2 who participate in the ceremonial killing of a human being in a judicial  
 3 execution carried out by means of lethal injection which was developed by  
 4 the Nazis, may be deemed by the public to warrant condemnation and  
 5 contempt, records".

AM880

1 1. On page 2, line 17, after "disclosed" insert "unless the district  
2 court determines the disclosure of such records to be in the public  
3 interest or in the interest of justice and public confidence in the  
4 integrity of the process of carrying out judicial executions by means of  
5 lethal injection".

AM881

1 1. On page 2, line 12, strike "Records" and insert "Because the  
2 killing of a human being by the state in judicial executions by means of  
3 lethal injection which was developed by the Nazis is hideous and morally  
4 repulsive, the processes by which it is carried out must be shrouded in  
5 secrecy to avoid shocking the public conscience and generating contempt  
6 for the state and all who participate in such ceremonial and macabre  
7 extinguishment of human life, records".

AM882

1 1. On page 2, line 15, after "injection" insert ", unless such  
2 person or entity holds a license issued by any board, agency, or  
3 department of the state or the federal government pertaining to or  
4 regulating such actions".

AM883

1 1. On page 2, line 14, after "substances" insert "approved by the  
2 federal Food and Drug Administration for use in judicial executions".

AM884

1 1. On page 2, line 17, after "disclosed" insert "except to counsel  
2 for a person charged with a Class I felony".

AM885

1 1. On page 2, line 17, after "disclosed" insert "except to counsel  
2 for a person convicted of a Class I felony".

AM886

1 1. On page 2, line 13, strike "or entity that" and insert "who" and  
2 after the last comma insert "or"; strike beginning with the second comma  
3 in line 14 through "equipment" in line 15; in line 15 after "a" insert  
4 "judicial execution by means of"; in line 16 strike "confidential and";  
5 and in line 17 strike beginning with "and" through "disclosed".

The Chair declared the call raised.

#### SELECT FILE

**LEGISLATIVE BILL 641.** Senator Schumacher offered the following motion:

MO69

Bracket until June 2, 2017.

**PRESIDENT FOLEY PRESIDING**

Senator Schumacher withdrew his motion to bracket.

Senator Watermeier offered the following amendment:  
AM893

(Amendments to E & R amendments, ER32)

1 1. Insert the following new sections:

- 2 Sec. 5. (1) The Legislature finds and declares that economic  
3 development is vitally important to the well-being of the State of  
4 Nebraska, and that the Legislature and the state would benefit from a  
5 more coordinated approach to legislation addressing economic development.  
6 (2) The Nebraska Economic Development Task Force is created. The  
7 task force shall collaborate with the Department of Economic Development  
8 and the Department of Labor to gather input on issues pertaining to  
9 economic development and discuss proactive approaches on economic  
10 development. The task force shall monitor analysis and policy development  
11 in all aspects of economic development in Nebraska. The task force shall  
12 also discuss long-range strategic plans to improve economic development  
13 within the state.  
14 (3) The Nebraska Economic Development Task Force shall be composed  
15 of three members of the Legislature appointed by the Executive Board of  
16 the Legislative Council, one from each congressional district, and the  
17 following six members: The chairperson of the Appropriations Committee of  
18 the Legislature or his or her designee, the chairperson of the Banking,  
19 Commerce and Insurance Committee of the Legislature or his or her  
20 designee, the chairperson of the Business and Labor Committee of the  
21 Legislature or his or her designee, the chairperson of the Education  
22 Committee of the Legislature or his or her designee, the chairperson of  
23 the Revenue Committee of the Legislature or his or her designee, and the  
24 chairperson of the Urban Affairs Committee of the Legislature or his or  
25 her designee. The task force members shall choose a chairperson and vice-  
26 chairperson from among the task force members.  
1 (4)(a) The Nebraska Economic Development Task Force shall meet on or  
2 before June 15, 2017, and on or before each June 15 thereafter.  
3 (b) Following the meeting required by subdivision (4)(a) of this  
4 section, the task force shall meet not less than once every three months,  
5 but shall not be required to meet while the Legislature is in session.  
6 (c) Meetings of the task force shall be called by the chairperson.  
7 (d) The task force may ask other persons or entities to attend its  
8 meetings or present information at such meetings.  
9 (e) The task force shall annually identify economic development  
10 priorities and electronically submit a report to the Legislature on or  
11 before December 31, 2017, and on or before each December 31 thereafter.  
12 (5) This section shall terminate on January 1, 2021.  
13 Sec. 6. Sections 1, 2, 3, 4, and 7 of this act become operative  
14 three calendar months after the adjournment of this legislative session.  
15 The other sections of this act become operative on their effective date.  
16 Sec. 8. Since an emergency exists, this act takes effect when



17 passed and approved according to law.  
18 2. Renumber the remaining section and the remaining amendment  
19 accordingly.  
20 3. On page 4, line 13, after the first semicolon insert "to create  
21 the Nebraska Economic Development Advisory Committee;", strike "and"  
22 and insert "to provide operative dates", and in line 14 after "sections"  
23 insert "; and to declare an emergency".

Senator Schumacher offered the following amendment to the Watermeier amendment:

FA54

Amend AM893

Insert in line 23, page 1 after the word designee, "the chairperson of the planning committee or his or her designee,"

The Schumacher amendment was adopted with 35 ayes, 1 nay, 11 present and not voting, and 2 excused and not voting.

The Watermeier amendment, as amended, was adopted with 27 ayes, 7 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment with 25 ayes, 7 nays, 15 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 161.** Senator Schumacher offered the following amendment:

AM871

1 1. Insert the following new section:

2 Sec. 2. Section 77-5727, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4 77-5727 (1)(a) If the taxpayer fails either to meet the required  
5 levels of employment or investment for the applicable project by the end  
6 of the fourth year after the end of the year the application was  
7 submitted for a tier 1, tier 3, or tier 6 project or by the end of the  
8 sixth year after the end of the year the application was submitted for a  
9 tier 2, tier 4, or tier 5 project or to utilize such project in a  
10 qualified business at employment and investment levels at or above those  
11 required in the agreement for the entire entitlement period, all or a  
12 portion of the incentives set forth in the Nebraska Advantage Act shall  
13 be recaptured or disallowed.

14 (b) In the case of a taxpayer who has failed to meet the required  
15 levels of investment or employment within the required time period, all  
16 reduction in the personal property tax because of the act shall be  
17 recaptured.

18 (2) In the case of a taxpayer who has failed to maintain the project  
19 at the required levels of employment or investment for the entire  
20 entitlement period, any reduction in the personal property tax, any  
21 refunds in tax allowed under subsection (2) of section 77-5725, and any  
22 refunds or reduction in tax allowed because of the use of a credit

23 allowed under section 77-5725 shall be partially recaptured from either  
24 the taxpayer or the owner of the improvement to real estate and any  
25 carryovers of credits shall be partially disallowed. The amount of the  
26 recapture shall be a percentage equal to the number of years the taxpayer  
27 did not maintain the project at or above the required levels of  
1 investment and employment divided by the number of years of the project's  
2 entitlement period multiplied by the refunds allowed, reduction in  
3 personal property tax, the credits used, and the remaining carryovers. In  
4 addition, the last remaining year of personal property tax exemption  
5 shall be disallowed for each year the taxpayer did not maintain such  
6 project at or above the required levels of employment or investment.

7 (3) In the case of a taxpayer qualified under tier 5 who has failed  
8 to maintain the average number of equivalent employees at the project at  
9 the end of the six years following the year the taxpayer attained the  
10 required amount of investment, any refunds in tax allowed under  
11 subsection (2) of section 77-5725 or any reduction in the personal  
12 property tax under section 77-5725 shall be partially recaptured from the  
13 taxpayer. The amount of recapture shall be the total amount of refunds  
14 and reductions in tax allowed for all years times the reduction in the  
15 average number of equivalent employees employed at the end of the  
16 entitlement period from the number of equivalent employees employed in  
17 the base year divided by the number of equivalent employees employed in  
18 the base year. For purposes of this subsection, the average number of  
19 equivalent employees shall be calculated at the end of the entitlement  
20 period by adding the number of equivalent employees in the year the  
21 taxpayer attains the required level of investment and each of the next  
22 following six years and dividing the result by seven.

23 (4) If the taxpayer receives any refunds or reduction in tax to  
24 which the taxpayer was not entitled or which were in excess of the amount  
25 to which the taxpayer was entitled, the refund or reduction in tax shall  
26 be recaptured separate from any other recapture otherwise required by  
27 this section. Any amount recaptured under this subsection shall be  
28 excluded from the amounts subject to recapture under other subsections of  
29 this section.

30 (5) Any refunds or reduction in tax due, to the extent required to  
31 be recaptured, shall be deemed to be an underpayment of the tax and shall  
1 be immediately due and payable. When tax benefits were received in more  
2 than one year, the tax benefits received in the most recent year shall be  
3 recovered first and then the benefits received in earlier years up to the  
4 extent of the required recapture.

5 (6)(a) Except as provided in subdivision (6)(b) of this section, any  
6 personal property tax that would have been due except for the exemption  
7 allowed under the Nebraska Advantage Act, to the extent it becomes due  
8 under this section, shall be considered delinquent and shall be  
9 immediately due and payable to the county or counties in which the  
10 property was located when exempted.

11 (b) For a tier 2 large data center project, any personal property  
12 tax that would have been due except for the exemption under the Nebraska  
13 Advantage Act, together with interest at the rate provided in section

14 45-104.01 from the original delinquency date of the tax that would have  
 15 been due until the date paid, to the extent it becomes due under this  
 16 section, shall be considered delinquent and shall be immediately payable  
 17 to the county or counties in which the property was located when  
 18 exempted.

19 (c) All amounts received by a county under this section shall be  
 20 allocated to each taxing unit levying taxes on tangible personal property  
 21 in the county in the same proportion that the levy on tangible personal  
 22 property of such taxing unit bears to the total levy of all of such  
 23 taxing units.

24 (7) Notwithstanding any other limitations contained in the laws of  
 25 this state, collection of any taxes deemed to be underpayments by this  
 26 section shall be allowed for a period of three years after the end of the  
 27 entitlement period.

28 (8) For a tier 6 project, any credits carried over more than one  
 29 year past the end of the entitlement period shall be subject to recapture  
 30 if, prior to the expiration of sixteen years after the end of the  
 31 entitlement period, the taxpayer moves its headquarters, if any, from  
 1 this state or reduces its after-inflation-adjusted payroll within this  
 2 state by more than ten percent from its peak payroll within this state  
 3 during the entitlement period.

4 ~~(9)~~ (8) Any amounts due under this section shall be recaptured  
 5 notwithstanding other allowable credits and shall not be subsequently  
 6 refunded under any provision of the Nebraska Advantage Act unless the  
 7 recapture was in error.

8 ~~(10)~~ (9) The recapture required by this section shall not occur if  
 9 the failure to maintain the required levels of employment or investment  
 10 was caused by an act of God or national emergency.

11 2. On page 7, line 17, strike "section 77-5726" and insert "sections  
 12 77-5726 and 77-5727".

13 3. Renumber the remaining sections and correct the repealer  
 14 accordingly.

The Schumacher amendment lost with 5 ayes, 20 nays, 19 present and not  
 voting, and 5 excused and not voting.

Senator Chambers requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 37 ayes, 2 nays,  
 5 present and not voting, and 5 excused and not voting.

#### AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to LB122:  
 AM843

1 1. On page 3, line 6, strike "shall" and insert "may".

Senator Krist filed the following amendment to LB300:

AM860

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

2 sections:

3 Section 1. Section 25-228, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 25-228 (1) Notwithstanding any other provision of law:

6 (a) There shall not be any time limitation for an action against the

7 individual or individuals directly causing ~~actions for~~ an injury or

8 injuries suffered by a plaintiff when the plaintiff was a victim of a

9 violation of section 28-319.01 or 28-320.01 if such violation occurred

10 (i) on or after the effective date of this act or (ii) prior to the

11 effective date of this act if such action was not previously time barred;

12 (b) An action against the individual or individuals directly causing

13 an injury or injuries suffered by a plaintiff when the plaintiff was a

14 victim of a violation of section 28-319.01 or 28-320.01 which was time

15 barred as of the effective date of this act may be brought within thirty-

16 five years after the victim's eighteenth birthday, or within three years

17 after the effective date of this act, whichever is longer; and

18 (c) An action against any person or entity other than the individual

19 directly causing an injury or injuries suffered by a plaintiff when the

20 plaintiff was a victim of a violation of section 28-319.01 or 28-320.01

21 may ~~can~~ only be brought within twelve years after the plaintiff's twenty-

22 first birthday.

23 (2) Criminal prosecution of a defendant under section 28-319.01 or

24 28-320.01 is not required to maintain a civil action for violation of

25 such sections.

26 Sec. 2. Original section 25-228, Reissue Revised Statutes of

27 Nebraska, is repealed.

Senator Baker filed the following amendment to LB68:

AM890

(Amendments to Standing Committee amendments, AM630)

1 1. On page 18, line 22; page 19, line 26; and page 20, line 26,

2 after "metropolitan" insert "or primary".

Senator Blood filed the following amendment to LB68:

AM865

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

2 insert the following new sections:

3 Section 1. Notwithstanding any ordinance, resolution, rule, or

4 regulation of any political subdivision of this state, any person who is

5 not otherwise prohibited by state or federal law from transporting,

6 shipping, or receiving a firearm shall be entitled to transport a firearm

7 in a motor vehicle for any lawful purpose from any place where he or she

8 may lawfully possess and carry such firearm to any other place where he

9 or she may lawfully possess and carry such firearm if, during such

10 transportation, the firearm is unloaded, and neither the firearm nor any

11 ammunition being transported is readily accessible or is directly

12 accessible from the passenger compartment of such transporting motor  
13 vehicle. In the case of a motor vehicle without a compartment separate  
14 from the driver's compartment, the firearm or ammunition shall be  
15 contained in a locked container other than the glove compartment or  
16 console.

17 Sec. 2. Section 28-101, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 28-101 Sections 28-101 to 28-1357, 28-1418.01, 28-1429.03, and  
20 28-1601 to 28-1603 and section 1 of this act shall be known and may be  
21 cited as the Nebraska Criminal Code.

22 Sec. 3. Section 28-1201, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 28-1201 For purposes of sections 28-1201 to 28-1212.04 and section 1  
25 of this act, unless the context otherwise requires:

26 (1) Firearm means any weapon which is designed to or may readily be  
27 converted to expel any projectile by the action of an explosive or frame  
1 or receiver of any such weapon;

2 (2) Fugitive from justice means any person who has fled or is  
3 fleeing from any peace officer to avoid prosecution or incarceration for  
4 a felony;

5 (3) Handgun means any firearm with a barrel less than sixteen inches  
6 in length or any firearm designed to be held and fired by the use of a  
7 single hand;

8 (4) Juvenile means any person under the age of eighteen years;

9 (5) Knife means any dagger, dirk, knife, or stiletto with a blade  
10 over three and one-half inches in length or any other dangerous  
11 instrument capable of inflicting cutting, stabbing, or tearing wounds;

12 (6) Knuckles and brass or iron knuckles means any instrument that  
13 consists of finger rings or guards made of a hard substance and that is  
14 designed, made, or adapted for the purpose of inflicting serious bodily  
15 injury or death by striking a person with a fist enclosed in the  
16 knuckles;

17 (7) Machine gun means any firearm, whatever its size and usual  
18 designation, that shoots automatically more than one shot, without manual  
19 reloading, by a single function of the trigger;

20 (8) School means a public, private, denominational, or parochial  
21 elementary, vocational, or secondary school, a private postsecondary  
22 career school as defined in section 85-1603, a community college, a  
23 public or private college, a junior college, or a university;

24 (9) Short rifle means a rifle having a barrel less than sixteen  
25 inches long or an overall length of less than twenty-six inches; and

26 (10) Short shotgun means a shotgun having a barrel or barrels less  
27 than eighteen inches long or an overall length of less than twenty-six  
28 inches.

29 Sec. 4. Section 28-1202, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 28-1202 (1)(a) Except as otherwise provided in this section, any  
1 person who carries a weapon or weapons concealed on or about his or her  
2 person, such as a handgun, a knife, brass or iron knuckles, or any other

3 deadly weapon, commits the offense of carrying a concealed weapon.

4 (b) It is an affirmative defense that the defendant was engaged in  
5 any lawful business, calling, or employment at the time he or she was  
6 carrying any weapon or weapons and the circumstances in which such person  
7 was placed at the time were such as to justify a prudent person in  
8 carrying the weapon or weapons for the defense of his or her person,  
9 property, or family.

10 (2) This section does not apply to a person who is:

11 (a) Carrying a firearm in compliance with section 1 of this act; or

12 (b) ~~The~~ the holder of a valid permit issued under the Concealed  
13 Handgun Permit Act if the concealed weapon the defendant is carrying is a  
14 handgun.

15 (3) Carrying a concealed weapon is a Class I misdemeanor.

16 (4) In the case of a second or subsequent conviction under this  
17 section, carrying a concealed weapon is a Class IV felony.

18 Sec. 5. Section 28-1351, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 28-1351 (1) A person commits the offense of unlawful membership  
21 recruitment into an organization or association when he or she knowingly  
22 and intentionally coerces, intimidates, threatens, or inflicts bodily  
23 harm upon another person in order to entice that other person to join or  
24 prevent that other person from leaving any organization, group,  
25 enterprise, or association whose members, individually or collectively,  
26 engage in or have engaged in any of the following criminal acts for the  
27 benefit of, at the direction of, or on behalf of the organization, group,  
28 enterprise, or association or any of its members:

29 (a) Robbery under section 28-324;

30 (b) Arson in the first, second, or third degree under section  
31 28-502, 28-503, or 28-504, respectively;

1 (c) Burglary under section 28-507;

2 (d) Murder in the first degree, murder in the second degree, or  
3 manslaughter under section 28-303, 28-304, or 28-305, respectively;

4 (e) Violations of the Uniform Controlled Substances Act that involve  
5 possession with intent to deliver, distribution, delivery, or manufacture  
6 of a controlled substance;

7 (f) Unlawful use, possession, or discharge of a firearm or other  
8 deadly weapon under sections 28-1201 to 28-1212.04 and section 1 of this  
9 act;

10 (g) Assault in the first degree or assault in the second degree  
11 under section 28-308 or 28-309, respectively;

12 (h) Assault on an officer, an emergency responder, a state  
13 correctional employee, a Department of Health and Human Services  
14 employee, or a health care professional in the first, second, or third  
15 degree under section 28-929, 28-930, or 28-931, respectively, or assault  
16 on an officer, an emergency responder, a state correctional employee, a  
17 Department of Health and Human Services employee, or a health care  
18 professional using a motor vehicle under section 28-931.01;

19 (i) Theft by unlawful taking or disposition under section 28-511;

20 (j) Theft by receiving stolen property under section 28-517;

- 21 (k) Theft by deception under section 28-512;  
 22 (l) Theft by extortion under section 28-513;  
 23 (m) Kidnapping under section 28-313;  
 24 (n) Any forgery offense under sections 28-602 to 28-605;  
 25 (o) Criminal impersonation under section 28-638;  
 26 (p) Tampering with a publicly exhibited contest under section  
 27 28-614;  
 28 (q) Unauthorized use of a financial transaction device or criminal  
 29 possession of a financial transaction device under section 28-620 or  
 30 28-621, respectively;  
 31 (r) Pandering under section 28-802;  
 1 (s) Bribery, bribery of a witness, or bribery of a juror under  
 2 section 28-917, 28-918, or 28-920, respectively;  
 3 (t) Tampering with a witness or an informant or jury tampering under  
 4 section 28-919;  
 5 (u) Unauthorized application of graffiti under section 28-524;  
 6 (v) Dogfighting, cockfighting, bearbaiting, or pitting an animal  
 7 against another under section 28-1005; or  
 8 (w) Promoting gambling in the first degree under section 28-1102.  
 9 (2) Unlawful membership recruitment into an organization or  
 10 association is a Class IV felony.  
 11 Sec. 6. Original sections 28-101, 28-1201, 28-1202, and 28-1351,  
 12 Reissue Revised Statutes of Nebraska, are repealed.

Senator Ebke filed the following amendment to LB34:  
 AM898

- 1 1. On page 2, line 11, strike "ten thousand" and insert "seven  
 2 thousand five hundred".

Senator Pansing Brooks filed the following amendment to LB68:  
 AM899

(Amendments to Standing Committee amendments, AM630)

- 1 1. On page 14, strike lines 24 through line 31.  
 2 2. On page 15, strike lines 1 through 19; and in line 20, strike  
 3 "(4)" and insert "(2)".

Senator Blood filed the following amendment to LB68:  
 AM904

(Amendments to Standing Committee amendments, AM630)

- 1 1. On page 18, line 22; page 19, line 26; and page 20, line 26,  
 2 after "metropolitan" insert ", primary, or first".

Senator Stinner filed the following amendment to LB222:  
 FA53

Strike the emergency clause.

Senator Hilkemann filed the following amendment to LB91:  
 AM858

- 1 1. Insert the following new sections:

2 Sec. 3. Section 71-522, Reissue Revised Statutes of Nebraska, is  
3 amended to read:  
4 71-522 The Department of Health and Human Services shall establish  
5 and maintain a central data registry for the collection and storage of  
6 reported data concerning inherited or congenital infant or childhood-  
7 onset metabolic diseases. The department shall use reported data to  
8 ensure that all infants born in the State of Nebraska are tested for  
9 diseases set forth in section 71-519 or by rule and regulation. The  
10 department shall also use reported data to evaluate the quality of the  
11 statewide system of newborn screening and develop procedures for quality  
12 assurance. Reported data in anonymous or statistical form may be made  
13 available by the department for purposes of research.  
14 Sec. 5. This act becomes operative July 1, 2018.  
15 2. Renumber the remaining sections and amend the repealer  
16 accordingly.

### **VISITOR(S)**

Visitors to the Chamber were Nebraska Beef Industry Scholars from UNL.

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

### **ADJOURNMENT**

At 5:02 p.m., on a motion by Senator Wayne, the Legislature adjourned until 9:00 a.m., Tuesday, April 4, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-NINTH DAY - APRIL 4, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**FIFTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
 Tuesday, April 4, 2017

**PRAYER**

The prayer was offered by Pastor Matt Schulte, Campus Life Ministries, Lincoln.

**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 Senator Bostelman who was excused; and Senators Clements, Kuehn, Larson, Morfeld, Murante, Watermeier, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-eighth day was approved.

**COMMITTEE REPORT(S)**  
 Banking, Commerce and Insurance

**LEGISLATIVE BILL 220.** Placed on General File with amendment.  
 AM567

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 44-8601, Revised Statutes Cumulative Supplement,
- 4 2016, is amended to read:
- 5 44-8601 Sections 44-8601 to 44-8604 and sections 3 to 6 of this act
- 6 shall be known and may be cited as the Insured Homeowners Protection Act.
- 7 Sec. 2. Section 44-8602, Revised Statutes Cumulative Supplement,
- 8 2016, is amended to read:
- 9 44-8602 For purposes of the Insured Homeowners Protection Act:
- 10 (1) Residential contractor means a person in the business of
- 11 contracting or offering to contract with an owner or possessor of
- 12 residential real estate to:
- 13 (a) Repair ~~repair~~ or replace a roof system or perform any other
- 14 exterior repair, replacement, construction, or reconstruction work on

15 residential real estate; ~~or~~  
16 (b) ~~Perform~~ ~~perform~~ interior or exterior cleanup services on  
17 residential real estate;  
18 (c) Arrange for, manage, or process the work referred to in  
19 subdivision (1)(a) or (b) of this section; or  
20 (d) Serve as a representative, agent, or assignee of the owner or  
21 possessor of residential real estate;  
22 (2) Residential real estate means a new or existing building,  
23 including a detached garage, constructed for habitation by at least one  
24 but no more than four families; and  
25 (3) Roof system means and includes roof coverings, roof sheathing,  
26 roof weatherproofing, and insulation.  
27 Sec. 3. A post-loss assignment of rights or benefits to a  
1 residential contractor under a property and casualty insurance policy  
2 insuring residential real estate shall comply with the following:  
3 (1) The assignment may authorize a residential contractor to be  
4 named as a copayee for the payment of benefits under a property and  
5 casualty insurance policy covering residential real estate;  
6 (2) The assignment shall be provided to the insurer of the  
7 residential real estate within five business days after execution;  
8 (3) The assignment shall include a statement that the residential  
9 contractor has made no assurances that the claimed loss will be fully  
10 covered by an insurance contract and shall include the following notice  
11 in capitalized fourteen-point type:  
12 YOU ARE AGREEING TO ASSIGN CERTAIN RIGHTS YOU HAVE UNDER YOUR  
13 INSURANCE POLICY. WITH AN ASSIGNMENT, THE RESIDENTIAL CONTRACTOR SHALL BE  
14 ENTITLED TO PURSUE ANY RIGHTS OR REMEDIES THAT YOU, THE INSURED  
15 HOWEOWNER, HAVE UNDER YOUR INSURANCE POLICY. PLEASE READ AND UNDERSTAND  
16 THIS DOCUMENT BEFORE SIGNING.  
17 THE INSURER HAS THE RIGHT TO PAY ONLY FOR THE COST TO REPAIR OR  
18 REPLACE DAMAGED PROPERTY CAUSED BY A COVERED PERIL.  
19 (5) The assignment shall not impair the interest of a mortgagee  
20 listed on the declarations page of the property and casualty insurance  
21 policy which is the subject of the assignment; and  
22 (6) The assignment shall not prevent or inhibit an insurer from  
23 communicating with the named insured or mortgagee listed on the  
24 declarations page of the property and casualty insurance policy that is  
25 the subject of the assignment.  
26 Sec. 4. Prior to commencement of repair or replacement work, the  
27 residential contractor shall furnish the insured and insurer with an  
28 itemized description of the work to be done and the materials, labor, and  
29 fees for repair or replacement of the damaged residential real estate and  
30 the total itemized amount agreed to be paid for the work to be performed,  
31 except that the description shall not limit the insured or residential  
1 contractor from identifying other goods and services necessary to  
2 complete repairs or replacement associated with a covered loss.  
3 Sec. 5. Any written contract, repair estimate, or work order  
4 prepared by a residential contractor to provide goods or services to be  
5 paid from the proceeds of a property and casualty insurance policy shall

6 include the following notice of the prohibition contained in section  
 7 44-8604 in capitalized fourteen-point type which shall be signed by the  
 8 named insured and sent to the named insured's insurer prior to payment of  
 9 proceeds under the applicable insurance policy:

10 IT IS A VIOLATION OF THE INSURANCE LAWS OF NEBRASKA TO REBATE ANY  
 11 PORTION OF AN INSURANCE DEDUCTIBLE AS AN INDUCEMENT TO THE INSURED TO  
 12 ACCEPT A RESIDENTIAL CONTRACTOR'S PROPOSAL TO REPAIR DAMAGED PROPERTY.  
 13 REBATE OF A DEDUCTIBLE INCLUDES GRANTING ANY ALLOWANCE OR OFFERING ANY  
 14 DISCOUNT AGAINST THE FEES TO BE CHARGED FOR WORK TO BE PERFORMED OR  
 15 PAYING THE INSURED HOMEOWNER THE DEDUCTIBLE AMOUNT SET FORTH IN THE  
 16 INSURANCE POLICY.

17 THE INSURED HOMEOWNER IS PERSONALLY RESPONSIBLE FOR PAYMENT OF THE  
 18 DEDUCTIBLE. THE INSURANCE FRAUD ACT AND NEBRASKA CRIMINAL STATUTES  
 19 PROHIBIT THE INSURED HOMEOWNER FROM ACCEPTING FROM A RESIDENTIAL  
 20 CONTRACTOR A REBATE OF THE DEDUCTIBLE OR OTHERWISE ACCEPTING ANY  
 21 ALLOWANCE OR DISCOUNT FROM THE RESIDENTIAL CONTRACTOR TO COVER THE COST  
 22 OF THE DEDUCTIBLE. VIOLATIONS MAY BE PUNISHABLE BY CIVIL OR CRIMINAL  
 23 PENALTIES.

24 Sec. 6. A contract entered into with a residential contractor is  
 25 void if the residential contractor violates any provision of the Insured  
 26 Homeowners Protection Act.

27 Sec. 7. Original sections 44-8601 and 44-8602, Revised Statutes  
 28 Cumulative Supplement, 2016, are repealed.

(Signed) Brett Lindstrom, Chairperson

### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 76, 82, and 83 were adopted.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 76, 82, and 83.

### **GENERAL FILE**

**LEGISLATIVE BILL 427.** Title read. Considered.

Senator Vargas offered his amendment, AM739, found on page 837.

### **SPEAKER SCHEER PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 33 ayes, 2 nays, and 14 not voting.

The Vargas amendment was adopted with 27 ayes, 9 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Vargas offered the following amendment:

AM908

1 1. On page 2, line 12, after the period insert "Nothing in this  
 2 section limits the authority of administrative and teaching personnel to  
 3 regulate student behavior as provided by section 79-258 or the authority  
 4 of a private, denominational, or parochial school to regulate student  
 5 behavior in order to further school purposes or to prevent interference  
 6 with the educational process.".

#### **SENATOR KRIST PRESIDING**

Senator Pansing Brooks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The Vargas amendment was adopted with 33 ayes, 2 nays, 9 present and not voting, and 5 excused and not voting.

Senator Morfeld moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 3 nays, 11 present and not voting, and 6 excused and not voting.

#### **COMMITTEE REPORT(S)**

##### Judiciary

**LEGISLATIVE BILL 517.** Placed on General File.

**LEGISLATIVE BILL 562.** Placed on General File.

**LEGISLATIVE BILL 366.** Placed on General File with amendment.

AM673

1 1. On page 25, lines 27 through 29, strike the new matter.

**LEGISLATIVE BILL 516.** Placed on General File with amendment.

AM562

1 1. Insert the following new sections:

2 Section 1. Section 71-1940, Revised Statutes Cumulative Supplement,  
 3 2016, is amended to read:

4 71-1940 The department may deny, refuse to renew, or take  
 5 disciplinary action against a license issued under the Children's  
 6 Residential Facilities and Placing Licensure Act on any of the following  
 7 grounds:

8 (1) Failure to meet or violation of any of the requirements of the  
 9 act or the rules and regulations adopted and promulgated under the act;  
 10 (2) Violation of an order of the department under the act;

11 (3) Conviction, admission, or substantial evidence of committing or  
 12 permitting, aiding, or abetting another to commit any unlawful act,  
 13 including, but not limited to, unlawful acts committed by an applicant or  
 14 licensee under the act, household members who reside at the place where  
 15 children's residential care or child-placing services are provided, or  
 16 employees of the applicant or licensee that involve:  
 17 (a) Physical abuse of children or vulnerable adults as defined in  
 18 section 28-371;  
 19 (b) Endangerment or neglect of children or vulnerable adults;  
 20 (c) Sexual abuse, sexual assault, or sexual misconduct;  
 21 (d) Homicide;  
 22 (e) Use, possession, manufacturing, or distribution of a controlled  
 23 substance listed in section 28-405;  
 24 (f) Property crimes, including, but not limited to, fraud,  
 25 embezzlement, and theft by deception; or  
 26 (g) Use of a weapon in the commission of an unlawful act;  
 27 (4) Conduct or practices detrimental to the health, safety, or  
 1 welfare of any individual residing in, served by, or employed at the  
 2 residential child-caring agency or child-placing agency;  
 3 (5) Failure to allow an agent or employee of the department access  
 4 to the residential child-caring agency or child-placing agency for the  
 5 purposes of inspection, investigation, or other information collection  
 6 activities necessary to carry out the duties of the department;  
 7 (6) Failure to allow local or state inspectors, investigators, or  
 8 law enforcement officers access to the residential child-caring agency or  
 9 child-placing agency for the purposes of investigation necessary to carry  
 10 out their duties;  
 11 (7) Failure to meet requirements relating to sanitation, fire  
 12 safety, and building codes;  
 13 (8) Failure to comply with or violation of the Medication Aide Act;  
 14 (9) Failure to file a report of suspected abuse or neglect as  
 15 required by sections 28-372 and 28-711;  
 16 (10) Violation of any city, village, or county rules, regulations,  
 17 resolutions, or ordinances regulating licensees;  
 18 (11) A history of misconduct or violations by an applicant or  
 19 licensee involving children or vulnerable adults; ~~or~~  
 20 (12) Violation of the requirements of section 83-4,134.01; or  
 21 (13) (12) Violation of any federal, state, or local law involving  
 22 care of children.  
 23 Sec. 2. Section 83-4,125, Revised Statutes Cumulative Supplement,  
 24 2016, is amended to read:  
 25 83-4,125 For purposes of sections 83-4,124 to 83-4,134.01:  
 26 (1) Criminal detention facility means any institution operated by a  
 27 political subdivision or a combination of political subdivisions for the  
 28 careful keeping or rehabilitative needs of adult or juvenile criminal  
 29 offenders or those persons being detained while awaiting disposition of  
 30 charges against them. Criminal detention facility does not include any  
 31 institution operated by the Department of Correctional Services. Criminal  
 1 detention facilities shall be classified as follows:

2 (a) Type I Facilities means criminal detention facilities used for  
 3 the detention of persons for not more than twenty-four hours, excluding  
 4 nonjudicial days;  
 5 (b) Type II Facilities means criminal detention facilities used for  
 6 the detention of persons for not more than ninety-six hours, excluding  
 7 nonjudicial days; and  
 8 (c) Type III Facilities means criminal detention facilities used for  
 9 the detention of persons beyond ninety-six hours;  
 10 (2) Juvenile detention facility means an institution operated by a  
 11 political subdivision or political subdivisions for the secure detention  
 12 and treatment of persons younger than eighteen years of age, including  
 13 persons under the jurisdiction of a juvenile court, who are serving a  
 14 sentence pursuant to a conviction in a county or district court or who  
 15 are detained while waiting disposition of charges against them. Juvenile  
 16 detention facility does not include any institution operated by the  
 17 department;  
 18 (3) Juvenile facility means a residential child-caring agency as  
 19 defined in section 71-1926, a juvenile detention facility or staff secure  
 20 juvenile facility as defined in this section, a facility operated by the  
 21 Department of Correctional Services that houses youth under the age of  
 22 majority, or a youth rehabilitation and treatment center;  
 23 (4) Room confinement means the involuntary restriction of a juvenile  
 24 placed alone in to a cell, alone in a room, or alone in another other  
 25 area, alone, including a juvenile's own room, except during normal  
 26 sleeping hours, whether or not such cell, room, or other area is subject  
 27 to video or other electronic monitoring; and  
 28 (5) Staff secure juvenile facility means a juvenile residential  
 29 facility operated by a political subdivision (a) which does not include  
 30 construction designed to physically restrict the movements and activities  
 31 of juveniles who are in custody in the facility, (b) in which physical  
 1 restriction of movement or activity of juveniles is provided solely  
 2 through staff, (c) which may establish reasonable rules restricting  
 3 ingress to and egress from the facility, and (d) in which the movements  
 4 and activities of individual juvenile residents may, for treatment  
 5 purposes, be restricted or subject to control through the use of  
 6 intensive staff supervision. Staff secure juvenile facility does not  
 7 include any institution operated by the department.  
 8 2. On page 3, strike lines 18 and 19 and insert the following new  
 9 subdivision:  
 10 "(e) Any juvenile facility which is not a residential child-caring  
 11 agency which fails to comply with the requirements of this section is  
 12 subject to disciplinary action as provided in section 83-4,134. Any  
 13 juvenile facility which is a residential child-caring agency which fails  
 14 to comply with the requirements of this section is subject to  
 15 disciplinary action as provided in section 71-1940."  
 16 3. Renumber the remaining sections and amend the repealer  
 17 accordingly.

(Signed) Laura Ebke, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Crawford filed the following amendment to LB253:  
AM829

(Amendments to the Standing Committee amendments, AM693)

- 1 1. On page 1, lines 5 and 6, 17, and 22, strike "village, or
- 2 sanitary and improvement district".
- 3 2. On page 2, strike beginning with the first comma in line 6
- 4 through "district" in line 8 and insert "or city and be binding upon such
- 5 county or city".
- 6 3. On page 3, line 6, after "made" insert "from the levy authority".

Senator Wayne filed the following amendment to LB263:  
AM909

(Amendments to Standing Committee amendments, AM538)

- 1 1. Strike sections 73, 74, 75, 76, 77, 78, and 79.
- 2 2. Renumber the remaining sections, correct internal references, and
- 3 amend the repealer accordingly.

Senator Chambers filed the following amendment to LB661:  
AM918

- 1 1. On page 2, line 12, after "(2)" insert "Despite knowing that the
- 2 federal Food and Drug Administration had placed a total and absolute ban
- 3 on the importation of sodium thiopental for any purpose, the Governor,
- 4 Attorney General, and Director of Correctional Services labored for
- 5 months trying to arrange through an unscrupulous, disreputable drug
- 6 dealer in India the unlawful importation of the illegal drug for use in
- 7 judicial executions, by means of lethal injection which was developed by
- 8 the Nazis. If the Governor, Attorney General, and Director of
- 9 Correctional Services deem it necessary or advisable to again pursue such
- 10 a course, it is essential public knowledge of such clandestine action be
- 11 thwarted at all costs.".

**VISITOR(S)**

Visitors to the Chamber were 10 twelfth-grade students and teacher from Sutherland; and 20 eleventh- and twelfth-grade students from Papillion/La Vista.

**RECESS**

At 11:43 a.m., on a motion by Senator Albrecht, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Bostelman who was excused; and Senators Friesen, Groene, Larson, Morfeld, and Watermeier who were excused until they arrive.

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 320.** Placed on General File.

**LEGISLATIVE BILL 458.** Placed on General File.

**LEGISLATIVE BILL 497.** Placed on General File.

**LEGISLATIVE BILL 200.** Placed on General File with amendment.

AM21

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

2 sections:

3 Section 1. Section 23-1901, Revised Statutes Cumulative Supplement,

4 2016, is amended to read:

5 23-1901 (1) It shall be the duty of the county surveyor to make or  
6 cause to be made all surveys within his or her county that the county  
7 surveyor may be called upon to make and record the same.

8 (2) In all counties having a population of at least ~~sixty~~ fifty

9 thousand inhabitants but less than one hundred fifty thousand

10 inhabitants, the county surveyor shall be ex officio county engineer and  
11 shall be either a professional engineer as provided in the Engineers and  
12 Architects Regulation Act or a registered land surveyor as provided in  
13 the Land Surveyors Regulation Act or both. In such counties, the office  
14 of surveyor shall be full time.

15 In counties having a population of one hundred fifty thousand  
16 inhabitants or more, a county engineer shall be a professional engineer  
17 as provided in the act and shall be elected as provided in section  
18 32-526.

19 (3) The county engineer or ex officio county engineer shall:

20 (a) Prepare all plans, specifications, and detail drawings for the  
21 use of the county in advertising and letting all contracts for the  
22 building and repair of bridges, culverts, and all public improvements  
23 upon the roads;

24 (b) Make estimates of the cost of all such contemplated public  
25 improvements, make estimates of all material required for such public  
26 improvements, inspect the material and have the same measured and  
27 ascertained, and report to the county board whether the same is in  
1 accordance with its requirements;

2 (c) Superintend the construction of all such public improvements and  
3 inspect and require that the same shall be done according to contract;

4 (d) Make estimates of the cost of all labor and material which shall  
5 be necessary for the construction of all bridges and improvements upon  
6 public highways, inspect all of the work and materials placed in any such  
7 public improvements, and make a report in writing to the county board



8 with a statement in regard to whether the same comply with the plans,  
9 specifications, and detail drawings of the county board prepared for such  
10 work or improvements and under which the contract was let; and  
11 (e) Have charge and general supervision of work or improvements  
12 authorized by the county board, inspect all materials, direct the work,  
13 and make a report of each piece of work to the county board.

14 The county engineer or surveyor shall also have such other and  
15 further powers as are necessarily incident to the general powers granted.

16 (4) The county surveyor shall prepare and file the required annual  
17 inventory statement of county personal property in his or her custody or  
18 possession as provided in sections 23-346 to 23-350.

19 (5) In counties having a population of one hundred fifty thousand  
20 inhabitants or more, the county engineer shall appoint a full-time county  
21 surveyor. The county surveyor shall perform all the duties prescribed in  
22 sections 23-1901 to 23-1913 and any other duties assigned to him or her  
23 by the county engineer. The county surveyor shall be a registered land  
24 surveyor as provided in the Land Surveyors Regulation Act.

25 Sec. 2. Section 23-1901.02, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 23-1901.02 The county surveyor may appoint a deputy for whose acts  
28 he or she will be responsible. The surveyor may not appoint the county  
29 treasurer, sheriff, register of deeds, or clerk as deputy.

30 In counties having a population of ~~sixty fifty~~ thousand but less  
31 than one hundred fifty thousand, if the county surveyor is a professional  
1 engineer, he or she shall appoint as deputy a registered land surveyor  
2 or, if the county surveyor is a registered land surveyor, he or she shall  
3 appoint as deputy a professional engineer. This requirement shall not  
4 apply if the county surveyor is both a professional engineer and a  
5 registered land surveyor.

6 The appointment shall be in writing and revocable in writing by the  
7 surveyor. Both the appointment and revocation shall be filed and kept in  
8 the office of the county clerk.

9 The deputy shall take the same oath as the surveyor which shall be  
10 endorsed upon and filed with the certificate of appointment. The surveyor  
11 may require a bond of the deputy.

12 In the absence or disability of the surveyor, the deputy shall  
13 perform the duties of the surveyor pertaining to the office, but when the  
14 surveyor is required to act in conjunction with or in place of another  
15 officer, the deputy cannot act in the surveyor's place.

16 Sec. 3. Section 33-116, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 33-116 Each county surveyor shall be entitled to receive the  
19 following fees: (1) For all services rendered to the county or state, a  
20 daily rate as determined by the county board; and (2) for each mile  
21 actually and necessarily traveled in going to and from work, the rate  
22 allowed by the provisions of section 81-1176. All expense of necessary  
23 assistants in the performance of the above work, the fees of witnesses,  
24 and material used for perpetuation and reestablishing lost exterior  
25 section and quarter corners necessary for the survey shall be paid for by

26 the county and the remainder of the cost of the survey shall be paid for  
 27 by the parties for whom the work may be done. All necessary equipment,  
 28 conveyance, and repairs to such equipment, required in the performance of  
 29 the duties of the office, shall be furnished such surveyor at the expense  
 30 of the county, except that in any county with a population of less than  
 31 ~~sixty~~ ~~fifty~~ thousand the county board may, in its discretion, allow the  
 1 county surveyor a salary fixed pursuant to section 23-1114, payable  
 2 monthly, by warrant drawn on the general fund of the county. All fees  
 3 received by surveyors so receiving a salary may, with the authorization  
 4 of the county board, be retained by the surveyor, but in the absence of  
 5 such authorization all such fees shall be turned over to the county  
 6 treasurer monthly for credit to the county general fund.

7 Sec. 4. Section 39-1506, Reissue Revised Statutes of Nebraska, is  
 8 amended to read:

9 39-1506 Any person, whether or not a resident of the county, who is  
 10 a duly licensed engineer in this state, any firm of consulting engineers  
 11 duly licensed in this state, or any other person who is a competent,  
 12 experienced, practical road builder shall be qualified to serve as county  
 13 highway superintendent, except that no member of the county board shall  
 14 be eligible for appointment. In counties having a population of ~~sixty~~  
 15 ~~fifty~~ thousand but less than one hundred fifty thousand inhabitants  
 16 according to the most recent official United States census, the county  
 17 surveyor shall perform all the duties and possess all the powers and  
 18 functions of the county highway superintendent. In counties having a  
 19 population of one hundred fifty thousand or more inhabitants, the county  
 20 engineer shall serve as county highway superintendent.

21 Sec. 5. Original sections 23-1901.02, 33-116, and 39-1506, Reissue  
 22 Revised Statutes of Nebraska, and section 23-1901, Revised Statutes  
 23 Cumulative Supplement, 2016, are repealed.

**LEGISLATIVE BILL 508.** Placed on General File with amendment.  
 AM658

1 1. Insert the following new sections:

2 Sec. 3. Section 23-2520, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:

4 23-2520 There is hereby created a personnel office in the office of  
 5 the board of county commissioners, the executive head of which shall be  
 6 the county personnel officer. In such office there shall be a personnel  
 7 policy board ~~with consisting of six~~ members appointed pursuant to section  
 8 23-2521 and with powers and duties provided in the County Civil Service  
 9 Act. The board of county commissioners shall make appropriations from the  
 10 general fund to meet the estimated costs of administering the act.

11 Sec. 4. Section 23-2521, Reissue Revised Statutes of Nebraska, is  
 12 amended to read:

13 23-2521 (1) The members of the personnel policy board shall be  
 14 persons in sympathy with the application of merit principles to public  
 15 employment and who are not otherwise employed by the county, except that  
 16 the member employed by the county if serving on such board on May 6,  
 17 1987, shall continue to serve until the term of such member expires. No

18 member shall hold during his or her term, or shall have held for a period  
19 of one year prior thereto, any political office or a position as officer  
20 or employee of a political organization.

21 (2)(a) Prior to January 1, 2018, two ~~(2)~~ Two members of the board  
22 shall be appointed by the board of county commissioners, two members  
23 shall be appointed by the elected department heads, and two members shall  
24 be appointed by classified employees who are covered by the county  
25 personnel system.

26 (b) Beginning January 1, 2018, a new personnel policy board shall be  
27 appointed pursuant to this subdivision to replace the board appointed  
1 pursuant to subdivision (a) of this subsection. One member shall be  
2 appointed by the board of county commissioners, one member shall be  
3 appointed by the elected department heads, and two members shall be  
4 appointed by classified employees who are covered by the county personnel  
5 system. The four members shall select a fifth member for the personnel  
6 policy board. The initial selection of the fifth member for a term  
7 beginning on January 1, 2018, shall be made on or before March 1, 2018.

8 (3)(a) This subdivision applies until January 1, 2018. ~~(3)~~ The first  
9 appointments made to the personnel policy board shall be for one, two,  
10 three, four, and five years. The board of county commissioners shall  
11 initially appoint members for terms of one and five years. The elected  
12 department heads shall initially appoint members for terms of two and  
13 four years. The classified employees who are covered by the county  
14 personnel system shall initially appoint a member for a term of three  
15 years. Within three months after May 6, 1987, the classified employees  
16 who are covered by the county personnel system shall initially appoint  
17 another member for a term of one year.

18 (b) This subdivision applies beginning January 1, 2018. The member  
19 appointed for a term beginning on January 1, 2018, by the board of county  
20 commissioners shall serve for a term of one year. The member appointed  
21 for a term beginning on January 1, 2018, by the elected department heads  
22 shall serve for a term of five years. The members appointed for a term  
23 beginning on January 1, 2018, by the classified employees who are covered  
24 by the county personnel system shall serve for terms of two years and  
25 four years as designated by the appointment process. The fifth member  
26 appointed for a term beginning on January 1, 2018, by the other four  
27 members shall serve a term of three years.

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

2 (4) The board of county commissioners and elected department heads  
3 may remove any member of the personnel policy board for neglect of duty  
4 or misconduct in office after first giving him or her a copy of the  
5 reasons for removal and providing for the member to be heard publicly  
6 before the commissioners and elected department heads. A copy of the  
7 charges and a transcript of the record of the hearing shall be filed with  
8 the county clerk.

9 (5) The personnel policy board shall elect a chairperson from among  
 10 its members. The board shall meet at such time and place as shall be  
 11 specified by call of the chairperson or the county personnel officer. At  
 12 least one meeting shall be held quarterly. For the personnel policy board  
 13 appointed prior to January 1, 2018, pursuant to subdivision (2)(a) of  
 14 this section, four ~~four~~ members shall constitute a quorum for the  
 15 transaction of business. For the personnel policy board appointed on and  
 16 after January 1, 2018, pursuant to subdivision (2)(b) of this section,  
 17 three members shall constitute a quorum for the transaction of business,  
 18 except that no business shall be transacted unless one of the members  
 19 appointed by the board of county commissioners or the elected department  
 20 heads and one of the members appointed by the classified employees who  
 21 are covered by the county personnel system are present at the meeting.  
 22 Board members shall serve without compensation.  
 23 2. Renumber the remaining section and correct the repealer  
 24 accordingly.

(Signed) John Murante, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 68.** Title read. Considered.

Committee AM630, found on page 741, was offered.

Senator Chambers offered the following motion:

MO70

Recommit to the Government, Military and Veterans Affairs Committee.

Senator Chambers offered the following motion:

MO71

Bracket until June 2, 2017.

Senator Chambers withdrew his motion to bracket.

**SPEAKER SCHEER PRESIDING**

**SENATOR LINDSTROM PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Pending.

### COMMITTEE REPORT(S)

Transportation and Telecommunications

**LEGISLATIVE BILL 629.** Placed on General File.

(Signed) Curt Friesen, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Friesen filed the following amendment to LB263:  
AM867

(Amendments to Standing Committee amendments, AM538)

1 1. Insert the following new sections:

2 Sec. 25. Section 60-317, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4 60-317 Commercial trailer means any trailer or semitrailer which has  
5 a gross weight, including load thereon, of more than nine thousand pounds  
6 and which is designed, used, or maintained for the transportation of  
7 persons or property for hire, compensation, or profit or designed, used,  
8 or maintained primarily for the transportation of property. Commercial  
9 trailer does not include cabin trailers, farm trailers, fertilizer  
10 trailers, or utility trailers, ~~or public power district trailers.~~

11 Sec. 49. Section 60-3,151, Revised Statutes Cumulative Supplement,  
12 2016, is amended to read:

13 60-3,151 (1) For the registration of any commercial trailer or  
14 semitrailer, the fee shall be one dollar.

15 (2) The fee for utility trailers shall be one dollar for each one  
16 thousand pounds gross vehicle weight or fraction thereof, up to and  
17 including nine thousand pounds. ~~Utility~~ ~~Except as provided in section~~  
18 ~~60-3,228,~~ utility trailer license plates shall display, in addition to  
19 the registration number, the letter X. Trailers other than farm trailers  
20 ~~or trailers registered under section 60-3,228~~ of more than nine thousand  
21 pounds must be registered as commercial trailers.

22 (3) The fee for cabin trailers having gross vehicle weight of one  
23 thousand pounds or less shall be nine dollars and more than one thousand  
24 pounds, but less than two thousand pounds, shall be twelve dollars. Cabin  
25 trailers having a gross vehicle weight of two thousand pounds or more  
26 shall be registered for a fee of fifteen dollars.

1 (4) Recreational vehicles having a gross vehicle weight of eight  
2 thousand pounds or less shall be registered for a fee of eighteen  
3 dollars, those having a gross vehicle weight of more than eight thousand  
4 pounds but less than twelve thousand pounds shall be registered for  
5 thirty dollars, and those having a gross vehicle weight of twelve  
6 thousand pounds or over shall be registered for forty-two dollars. When  
7 living quarters are added to a registered truck, a recreational vehicle  
8 registration may be obtained without surrender of the truck registration,  
9 in which event both the truck and recreational vehicle license plates  
10 shall be displayed on the vehicle. Recreational vehicle license plates  
11 shall be the same size and of the same basic design as regular license  
12 plates issued pursuant to section 60-3,100.

13 (5) Farm trailers shall be licensed for a fee of one dollar, except  
14 that when a farm trailer is used with a registered farm truck, such farm  
15 trailer may, at the option of the owner, be registered as a separate unit  
16 for a fee of three dollars per ton gross vehicle weight and, if so  
17 registered, shall not be considered a truck and trailer combination for  
18 purposes of sections 60-3,145 and 60-3,146. Farm trailer license plates

19 shall display, in addition to the registration number, the letter X.  
 20 (6) Fertilizer trailers shall be registered for a fee of one dollar.  
 21 Fertilizer trailer license plates shall display, in addition to the  
 22 registration number, the letter X.  
 23 (7) Trailers used to haul poles and cable reels owned and operated  
 24 exclusively by public utility companies ~~or trailers used by public power~~  
 25 ~~districts and registered pursuant to section 60-3,228~~ shall be licensed  
 26 at a fee based on two dollars for each one-thousand-pound load to be  
 27 hauled or any fraction thereof, and such load shall not exceed sixteen  
 28 thousand pounds.  
 29 2. Renumber the remaining sections and correct internal references  
 30 accordingly.  
 31 3. Correct the operative date and repealer sections so that the  
 1 sections added by this amendment become operative on their effective date  
 2 with the emergency clause.

Senator Schumacher filed the following amendment to LB68:

FA55

Amend AM630

Strike "2" in line 31 page 21 and insert in its stead "9".

Senator Murante filed the following amendment to LB68:

FA56

Add a new section: "The provisions of this bill shall become operative January 1, 2018."

Senator Wayne filed the following amendment to LB346:

FA57

Add new section: This act become operative two years following the date the Governor signs the bill into law.

### COMMITTEE REPORT(S)

#### Revenue

**LEGISLATIVE BILL 400.** Placed on General File with amendment.

AM887

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

2 sections:

3 Section 1. Section 60-395, Revised Statutes Cumulative Supplement,

4 2016, is amended to read:

5 60-395 (1) Except as otherwise provided in subsection (2) of this  
 6 section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,  
 7 60-3,224, and 60-3,227, the registration shall expire and the registered  
 8 owner or lessee may, by returning the registration certificate, the  
 9 license plates, and, when appropriate, the validation decals and by  
 10 either making application on a form prescribed by the department to the  
 11 county treasurer of the occurrence of an event described in subdivisions  
 12 (a) through (e) of this subsection or, in the case of a change in situs,  
 13 displaying to the county treasurer the registration certificate of such

14 other state as evidence of a change in situs, receive a refund of that  
15 part of the unused fees and taxes on motor vehicles or trailers from the  
16 date of any of the following events as follows based on the number of  
17 unexpired months remaining in the registration period from the date of  
18 any of the following events:

19 (a) Upon transfer of ownership of any motor vehicle or trailer  
20 before January 1, 2020, the refund shall be based on the number of  
21 unexpired months remaining in the registration period. Upon transfer of  
22 ownership of any motor vehicle or trailer on and after January 1, 2020,  
23 the refund shall be based upon the number of unexpired days remaining in  
24 the registration period;

25 (b) In case of loss of possession because of fire, theft,  
26 dismantlement, or junking the refund shall be based upon the number of  
27 unexpired months remaining in the registration period;

1 (c) When a salvage branded certificate of title is issued the refund  
2 shall be based upon the number of unexpired months remaining in the  
3 registration period;

4 (d) Whenever a type or class of motor vehicle or trailer previously  
5 registered is subsequently declared by legislative act or court decision  
6 to be illegal or ineligible to be operated or towed on the public roads  
7 and no longer subject to registration fees, the motor vehicle tax imposed  
8 in section 60-3,185, the motor vehicle fee imposed in section 60-3,190,  
9 and the alternative fuel fee imposed in section 60-3,191 the refund shall  
10 be based upon the number of unexpired months remaining in the  
11 registration period;

12 (e) Upon a trade-in or surrender of a motor vehicle under a lease  
13 the refund shall be based upon the number of unexpired months remaining  
14 in the registration period; or

15 (f) In case of a change in the situs of a motor vehicle or trailer  
16 to a location outside of this state the refund shall be based upon the  
17 number of unexpired months remaining in the registration period.

18 (2) Except for refunds under subdivision (1)(a) of this section, if  
19 ~~the~~ the date of the event falls within the same calendar month in which  
20 the motor vehicle or trailer is acquired, no refund shall be allowed for  
21 such month.

22 (3) If the transferor or lessee acquires another motor vehicle at  
23 the time of the transfer, trade-in, or surrender, the transferor or  
24 lessee shall have the credit provided for in this section applied toward  
25 payment of the motor vehicle fees and taxes then owing. Otherwise, the  
26 transferor or lessee shall file a claim for refund with the county  
27 treasurer upon an application form prescribed by the department.

28 (4) The registered owner or lessee shall make a claim for refund or  
29 credit of the fees and taxes for the unexpired ~~months in the~~ registration  
30 period within sixty days after the date of the event or shall be deemed  
31 to have forfeited his or her right to such refund or credit.

1 (5) For purposes of this section, the date of the event shall be:

2 (a) In the case of a transfer or loss, the date of the transfer or loss;

3 (b) in the case of a change in the situs, the date of registration in

4 another state; (c) in the case of a trade-in or surrender under a lease,

5 the date of trade-in or surrender; (d) in the case of a legislative act,  
6 the effective date of the act; and (e) in the case of a court decision,  
7 the date the decision is rendered.

8 (6) Application for registration or for reassignment of license  
9 plates and, when appropriate, validation decals to another motor vehicle  
10 or trailer shall be made within thirty days of the date of purchase.

11 (7) If a motor vehicle or trailer was reported stolen under section  
12 60-178, a refund under this section shall not be reduced for a lost plate  
13 charge and a credit under this section may be reduced for a lost plate  
14 charge but the applicant shall not be required to pay the plate fee for  
15 new plates.

16 (8) The county treasurer shall refund the motor vehicle fee and  
17 registration fee from the fees which have not been transferred to the  
18 State Treasurer. The county treasurer shall make payment to the claimant  
19 from the undistributed motor vehicle taxes of the taxing unit where the  
20 tax money was originally distributed. No refund of less than two dollars  
21 shall be paid.

22 Sec. 2. Original section 60-395, Revised Statutes Cumulative  
23 Supplement, 2016, is repealed.

**LEGISLATIVE BILL 565.** Placed on General File with amendment.  
AM650

1 1. Strike original sections 4, 5, 6, 8, and 11 and insert the  
2 following new section:

3 Sec. 7. (1) This section applies to the following programs and the  
4 tax credits earned and tax refunds received under such programs:

5 (a) The Nebraska Advantage Act;

6 (b) The Nebraska Advantage Microenterprise Tax Credit Act;

7 (c) The Nebraska Advantage Research and Development Act;

8 (d) The Nebraska Advantage Rural Development Act;

9 (e) The Nebraska Job Creation and Mainstreet Revitalization Act;

10 (f) The New Markets Job Growth Investment Act;

11 (g) The renewable energy tax credit provided in section 77-27,235;

12 and

13 (h) Any similar program providing tax credits or tax refunds that is  
14 created by the Legislature after the effective date of this act for the  
15 purpose of recruitment or retention of businesses in Nebraska. In  
16 determining whether a future program is enacted for the purpose of  
17 recruitment or retention of businesses, the State Treasurer shall  
18 consider legislative intent, including legislative statements of purpose  
19 and goals, and may also consider whether the program is promoted as a  
20 business incentive by the Department of Economic Development or other  
21 relevant state agency.

22 (2) Except as provided in subsection (3) of this section, the web  
23 site described in section 84-602.04 shall contain the following  
24 information for each taxpayer receiving tax credits or tax refunds under  
25 a program specified in subsection (1) of this section:

26 (a) The identity of the taxpayer;

27 (b) The location where the taxpayer is using tax credits or tax



1 refunds;  
 2 (c) The name of the program under which the taxpayer is earning tax  
 3 credits or tax refunds;  
 4 (d) The total tax credits used or tax refunds received by the  
 5 taxpayer under the program for the prior two-year period;  
 6 (e) The increases in jobs and investment that are intended to be  
 7 produced to earn tax credits or tax refunds;  
 8 (f) The increases in jobs and investment that are actually produced  
 9 to earn tax credits or tax refunds; and  
 10 (g) Any amount of tax credits or tax refunds recouped from the  
 11 taxpayer for failure to provide the increases in jobs and investment  
 12 required under the programs specified in subsection (1) of this section.  
 13 (3) For the Nebraska Advantage Research and Development Act, the web  
 14 site described in section 84-602.04 shall contain the total amount of tax  
 15 credits used by taxpayers in each year.  
 16 (4) The data described in subsections (2) and (3) of this section  
 17 for fiscal years 2014-15 through 2016-17 shall be available on the web  
 18 site no later than December 31, 2017. The data described in subsections  
 19 (2) and (3) of this section for each subsequent fiscal year shall be  
 20 available on the web site by December 31 following the end of such fiscal  
 21 year.  
 22 (5) All state entities shall provide to the State Treasurer, at such  
 23 times and in such form as designated by the State Treasurer, such  
 24 information as is necessary to accomplish the purposes of this section.  
 25 2. Renumber the remaining sections, correct internal references, and  
 26 correct the repealer accordingly.

(Signed) Jim Smith, Chairperson

#### SELECT FILE

**LEGISLATIVE BILL 122.** Senator Pansing Brooks offered her amendment, AM843, found on page 907.

The Pansing Brooks amendment was adopted with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

Senator Clements offered the following amendment:  
 AM919

(Amendments to Standing Committee amendments, AM223)

1 1. On page 1, line 3, strike "cousin, or domestic partner" and  
 2 insert "or cousin".

Senator Clements withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 222.** ER38, found on page 864, was adopted.

Senator Blood offered her amendment, AM816, found on page 878.

The Blood amendment was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Senator Stinner offered his amendment, FA53, found on page 911.

The Stinner amendment was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 34.** Senator Ebke withdrew her amendment, AM898, found on page 911.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 432.** ER34, found on page 867, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 166.** ER37, found on page 861, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 35.** ER33, found on page 861, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 151.** ER31, found on page 862, was adopted.

Senator Stinner offered his amendment, AM813, found on page 846.

The Stinner amendment was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 639.** ER29, found on page 862, was adopted.

Advanced to Enrollment and Review for Engrossment.

#### **AMENDMENT(S) - Print in Journal**

Senator Ebke filed the following amendment to LR6:  
AM753

1 1. At the end of paragraph 3, after "subject" insert ", except that

2 this resolution expires on December 31, 2026, and is no longer a  
3 continuing application on and after such date unless the Legislature  
4 reapplies to Congress".

### **VISITOR(S)**

Visitors to the Chamber were Bernard Deaver from Grant; members of the Young Southeast Asian Leaders Initiative; and 30 fourth-grade students and teachers from Franklin Elementary, Omaha.

### **MOTION - Adjournment**

Senator Linehan moved to adjourn. The motion prevailed with 26 ayes, 7 nays, 9 present and not voting, and 7 excused and not voting, and at 5:02 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, April 5, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTIETH DAY - APRIL 5, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 5, 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 Bolz, Kolowski, Smith, Watermeier, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-ninth day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 647.** Senator Murante offered the following motion:  
MO72  
Indefinitely postpone pursuant to Rule 6, Section 3(f).

Senator Murante withdrew his motion to indefinitely postpone.

Title read. Considered.

Committee AM290, found on page 513, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following motion:  
MO73  
Indefinitely postpone.

**SPEAKER SCHEER PRESIDING**

Senator Chambers withdrew his motion to indefinitely postpone.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 647A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

**AMENDMENT(S) - Print in Journal**

Senator Morfeld filed the following amendment to LB512:  
AM862

(Amendments to Standing Committee amendments, AM724)

1 1. On page 2, line 17, after "purposes" insert ". This term does not  
2 include Internet web sites, online services, online applications, or  
3 mobile applications operated by a postsecondary institution with a  
4 physical presence in Nebraska".

**COMMITTEE REPORT(S)**

Executive Board

**LEGISLATIVE BILL 445.** Indefinitely postponed.

**LEGISLATIVE BILL 530.** Indefinitely postponed.

(Signed) Dan Watermeier, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 172.** Placed on Select File.

**LEGISLATIVE BILL 276.** Placed on Select File with amendment.  
ER44

1 1. On page 1, strike line 4 and insert "provide and change".

**LEGISLATIVE BILL 217.** Placed on Select File with amendment.  
ER48 is available in the Bill Room.

**LEGISLATIVE BILL 487.** Placed on Select File with amendment.  
ER47

1 1. On page 1, strike beginning with "the" in line 1 through  
2 "Nebraska" in line 3 and insert "drugs; to amend sections 25-21,280,  
3 28-101, 28-401, 28-401.01, 28-405, 28-416, 28-441, and 28-470, Reissue  
4 Revised Statutes of Nebraska; to provide and change immunity provisions  
5 with respect to asthma and allergic reactions; to redefine marijuana; to  
6 include U-47700 as a Schedule I controlled substance and cannabidiol as a  
7 Schedule V controlled substance as prescribed under the Uniform  
8 Controlled Substances Act".

**LEGISLATIVE BILL 417.** Placed on Select File with amendment.  
ER45 is available in the Bill Room.

**LEGISLATIVE BILL 376.** Placed on Select File.  
**LEGISLATIVE BILL 75.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

### **CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Wayne has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

### **GENERAL FILE**

**LEGISLATIVE BILL 152.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 300.** Title read. Considered.

Senator Krist offered his amendment, AM860, found on page 908.

### **PRESIDENT FOLEY PRESIDING**

Senator Krist offered the following amendment to his amendment:  
AM939

(Amendments to AM860)

- 1 1. Insert the following new section:
- 2 Sec. 2. If any section in this act or any part of any section is
- 3 declared invalid or unconstitutional, the declaration shall not affect
- 4 the validity or constitutionality of the remaining portions.
- 5 2. Renumber the remaining section accordingly.

Senator Krist moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

The Krist amendment was adopted with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Krist requested a roll call vote on his amendment, AM860, as amended.

The Krist amendment, as amended, was adopted with 25 ayes, 15 nays, 3 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Senator Krist moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

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

Voting in the affirmative, 29:

Blood	Ebke	Kolowski	Morfeld	Walz
Bolz	Hansen	Krist	Pansing Brooks	Watermeier
Briese	Harr	Kuehn	Quick	Wayne
Chambers	Hilkemann	Lindstrom	Scheer	Williams
Craighead	Howard	McCollister	Schumacher	Wishart
Crawford	Hughes	McDonnell	Vargas	

Voting in the negative, 3:

Clements	Erdman	Lowe
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Present and not voting, 13:

Albrecht	Brewer	Groene	Kolterman	Riepe
Bostelman	Friesen	Halloran	Linehan	
Brasch	Geist	Hilgers	Murante	

Excused and not voting, 4:

Baker	Larson	Smith	Stinner
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Advanced to Enrollment and Review Initial with 29 ayes, 3 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 512.** Placed on Select File with amendment.  
ER49

- 1 1. On page 1, strike beginning with "amend" in line 1 through
- 2 "emergency" in line 19 and insert "amend sections 79-319, 79-746,
- 3 79-1065, 79-10,141, 79-1108.02, 79-1144, 85-173, 85-174, 85-308, 85-917,
- 4 85-933, 85-949, 85-2401, 85-2403, and 85-2405, Reissue Revised Statutes
- 5 of Nebraska, and sections 9-812, 77-3442, 79-237, 79-2,144, 79-1003,
- 6 79-1007.11, 79-1017.01, 79-1028.01, 79-1054, and 85-502.01, Revised
- 7 Statutes Cumulative Supplement, 2016; to adopt the Student Online
- 8 Personal Protection Act; to provide requirements for public school
- 9 districts relating to swimming activities; to eliminate the Education
- 10 Innovation Fund; to change provisions related to the Nebraska Education
- 11 Improvement Fund; to change exceptions to levy limitations and budget



12 limitations for new voluntary termination agreements; to change  
 13 provisions relating to option enrollment; to change a deadline for the  
 14 state school security director; to transfer duties and eliminate the  
 15 State Board of Vocational Education; to define and redefine terms; to  
 16 eliminate the best practices allowance and best practices aid; to provide  
 17 for adjustments of federal funding for school districts; to change  
 18 provisions relating to grants under the Summer Food Service Program; to  
 19 provide for repayment of federal funds; to change and eliminate  
 20 provisions relating to educational institutions ceasing to function; to  
 21 change residency provisions for veterans and their spouses and dependents  
 22 and other eligible persons; to provide duties for the Coordinating  
 23 Commission for Postsecondary Education; to create a fund; to assess for-  
 24 profit postsecondary institutions; to require bonds or other security  
 25 agreements; to authorize claims resulting from the termination of  
 26 operations; to allow for advertising as prescribed; to require a report;  
 27 to eliminate the Council on Student Attendance; to harmonize provisions;  
 1 to provide operative dates; to repeal the original sections; to outright  
 2 repeal sections 79-321, 79-527.01, 79-738, 79-739, 79-740, 79-741,  
 3 79-742, 79-743, 79-744, and 85-175, Reissue Revised Statutes of Nebraska,  
 4 and section 79-1004, Revised Statutes Cumulative Supplement, 2016; and to  
 5 declare an emergency".  
 6 2. On page 23, lines 29, strike "conduct", show as stricken, and  
 7 insert "conducts".  
 8 3. On page 50, line 20, strike "(1)", show as stricken, and insert  
 9 "(a)"; in line 25 strike "(2)", show as stricken, and insert "(b)"; and  
 10 in line 26 strike "(3)", show as stricken, and insert "(c)".  
 11 4. On page 56, line 7, after "501(c)(3)" insert "of the Internal  
 12 Revenue Code".  
 13 5. On page 59, line 14, strike "32" and insert "31".  
 14 6. On page 63, line 28, strike "85-2041" and insert "85-2401".

**LEGISLATIVE BILL 317.** Placed on Select File.

**LEGISLATIVE BILL 641A.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

#### VISITOR(S)

Visitors to the Chamber were 20 Norris Middle School students and teachers from Omaha; 60 fourth-grade students and sponsors from Bel Air School, Norfolk; 10 high school FFA students, teacher, and sponsor from Wood River; Shelli and Tim Messer from Ralston, Clara and Annie Lind from Seattle, WA, and John Northwall from Omaha; 32 fourth-grade students from St. Cecilia's School, Omaha; and 47 tenth-grade students and teachers on a Sophomore Pilgrimage.

**RECESS**

At 11:53 a.m., on a motion by Senator Hughes, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Bolz, Ebke, Erdman, Groene, Hilkemann, Kolowski, Kuehn, Larson, Linehan, Pansing Brooks, Smith, Stinner, and Walz who were excused until they arrive.

**MESSAGE(S) FROM THE GOVERNOR**

April 5, 2017

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 46 and 46A were received in my office on April 3, 2017.

These bills were signed and delivered to the Secretary of State on April 5, 2017.

Sincerely,  
(Signed) Pete Ricketts  
Governor

April 5, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Boiler Safety Code Advisory Board:

Aaron Jazyuka, 5219 William Street, Omaha, NE 68106

William Hetzler, 7005 S. 74 Street, Unit 303, La Vista, NE 68128

Contingent upon your approval, the following individuals are being reappointed to the Boiler Safety Code Advisory Board:

Martin Kasl, 6700 Ridge Point Road, Lincoln, NE 68512  
Kurt Eberspacher, 4332 W. McKelvie Road, Lincoln, NE 68524

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

April 5, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Liquor Control Commission:

Bruce D. Bailey, 1710 Surfside Drive, Lincoln, NE 68528

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

April 5, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Commission for the Deaf and Hard of Hearing:

Candice Arteaga, 629 Oak Street, Greenwood, NE 68366

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

April 5, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Foster Care Advisory Committee:

Timothy Robinson, 10620 Fowler Avenue, Omaha, NE 68134

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

#### **GENERAL FILE**

**LEGISLATIVE BILL 346.** Title read. Considered.

Senator Wayne offered his amendment, FA57, found on page 926.

Senator Wayne withdrew his amendment.

Senator Lowe moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 323.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 257.** Title read. Considered.

Senator Hilgers offered his amendment, AM502, found on page 767.

The Hilgers amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 478.** Title read. Considered.

Senator Schumacher offered the following amendment:

FA59

Page 4, line 22 insert the words "state issued" immediately before the second occurrence of the word license in line 22.

The Schumacher amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Groene moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 509.** Title read. Considered.

Committee AM357, found on page 691, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 509A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 97.** Title read. Considered.

Senator Crawford offered her amendment, AM659, found on page 784.

Senator Crawford moved for a call of the house. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

**SPEAKER SCHEER PRESIDING**

The Crawford amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 291.** Title read. Considered.

Committee AM530, found on page 709, was offered.

Senator Larson offered the following amendment to the committee amendment:

AM941

(Amendments to Standing Committee amendments, AM530)

1 1. Strike amendment 1 and insert the following new amendments:

2 1. Strike original section 11 and insert the following new sections:

3 Sec. 11. (1) Each time applications are scored for purposes of

4 allocating federal low-income housing tax credits, the authority shall

5 give a bonus under its scoring system to the highest-scoring application

6 that involves a development located in a special economic impact zone as

7 defined in section 3 of this act. The bonus shall be equal to two percent

8 of the total number of points available under such scoring system.

9 (2) No more than one application per calendar year may be awarded an

10 allocation of federal low-income housing tax credits as a result of the

11 bonus provided in subsection (1) of this section.

12 Sec. 14. Section 77-2705.01, Revised Statutes Cumulative Supplement,

13 2016, is amended to read:

14 77-2705.01 (1) The Tax Commissioner may issue direct payment permits

15 to (a) any person who annually purchases at least three million dollars

16 of taxable property excluding purchases for which a resale certificate

17 could be used or (b) any qualified business as defined in section 3 of

18 this act.

19 (2)(a) An (2) The applicant described in subdivision (1)(a) of this

20 section for a direct payment permit shall apply for a direct payment

21 permit on a form prescribed by the Tax Commissioner. The applicant shall

22 pay a nonrefundable fee of ten dollars for processing the application.

23 The application shall include the agreement of the applicant to accrue

24 and pay to the Tax Commissioner on or before the twentieth day of the

25 month following the date of purchase, lease, or rental all sales and use  
 26 taxes on the taxable property purchased, leased, or rented by the  
 1 applicant unless the items are exempt from taxation and the tax paid will  
 2 be treated as a sales tax.

3 (b) An applicant described in subdivision (1)(b) of this section  
 4 shall apply for a direct payment permit on a form prescribed by the Tax  
 5 Commissioner. The application shall include the agreement of the  
 6 applicant to accrue and pay to the Tax Commissioner on or before the  
 7 twentieth day of the month following the date of purchase, lease, or  
 8 rental all sales and use taxes that are due after the applicant's total  
 9 purchases for the calendar year exceed the exempt amount provided in  
 10 section 6 of this act. The tax paid will be treated as a sales tax.

11 (c) The Tax Commissioner may require a description of the accounting  
 12 methods by which an applicant will differentiate between taxable and  
 13 exempt transactions.

14 (3) The Tax Commissioner may issue a direct payment permit to any  
 15 applicant who meets the requirements of subsections (1) and (2) of this  
 16 section. The direct payment permit shall become effective on the first  
 17 day of the month following approval of an application. The decision of  
 18 the Tax Commissioner under this section is not appealable. An applicant  
 19 who is denied a direct payment permit may submit an amended application  
 20 or reapply.

21 (4) A direct payment permit is not transferable.

22 (5) The holder of a direct payment permit is not entitled to any  
 23 collection fee otherwise payable to those who collect and remit sales and  
 24 use taxes.

25 2. On page 2, line 5, after "reservations" insert "and trust land";

26 after line 7 insert the following new subdivision:

27 "(2) Federally designated or established service area means a  
 28 geographic area designated by the United States where federal services  
 29 and benefits furnished to Indians and Indian tribes are provided or which  
 30 is otherwise designated to constitute an area on or near a reservation;";

31 in line 8 strike "(2)" and insert "(3)"; in line 9 strike "(3)" and  
 1 insert "(4)"; strike line 20 and insert the following new subdivision:

2 "(5) Reservation means Indian country as defined in 18 U.S.C. 1151  
 3 and any lands, not covered under such section, title to which is either  
 4 held by the United States in trust for the benefit of any Indian tribe or  
 5 individual or held by any Indian tribe or individual subject to a  
 6 restriction by the United States against alienation. Reservation does not  
 7 include a federally designated or established service area;"; in line 21  
 8 strike "(5)" and insert "(6)"; in line 23 strike "(6)" and insert "(7)";  
 9 and strike beginning with "each" in line 26 through line 28 and insert  
 10 "the following areas of this state are hereby established as special  
 11 economic impact zones:

12 (a) Each reservation in this state; and

13 (b) For any Indian tribe without a reservation in this state, the  
 14 trust land of such Indian tribe that lies within a federally designated  
 15 or established service area."

16 3. On page 3, strike beginning with "income" in line 6 through line

17 9 and insert "taxable income under the Nebraska Revenue Act of 1967,  
 18 exclude the portion of the Nebraska taxable income equal to the portion  
 19 of the sales of the qualified business that are sold or delivered from  
 20 within a special economic impact zone."; in line 12 strike "ten million"  
 21 and insert "two hundred fifty thousand"; and in line 13 after the period  
 22 insert "The qualified business shall make the eligible purchases exempt  
 23 from sales and use taxes using a direct payment permit issued under  
 24 section 77-2705.01.".  
 25 4. Renumber the remaining sections, correct internal references, and  
 26 correct the repealer accordingly.

The Larson amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

### **PRESIDENT FOLEY PRESIDING**

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 248.** Title read. Considered.

Committee AM301, found on page 566, was offered.

Senator Harr offered the following amendment to the committee amendment:

AM936

(Amendments to Standing Committee amendments, AM301)

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. Sections 1 to 10 of this act shall be known and may be  
 4 cited as the Youth Opportunities in Learning and Occupations Act.  
 5 Sec. 2. (1) The Legislature finds and declares that a skills gap  
 6 exists between employers and young people between the ages of sixteen  
 7 years and twenty-four years. An opportunity exists to invest in such  
 8 young people by identifying individual abilities, analyzing existing job  
 9 opportunities within this state, and training such young people to meet  
 10 the needs of Nebraska employers.  
 11 (2) It is the intent of the Legislature and purpose of the Youth  
 12 Opportunities in Learning and Occupations Act to practice early  
 13 investment in the young people of this state by offering training  
 14 services that encourage young people to identify individual abilities and  
 15 interests by exposing them to potential employment opportunities within  
 16 this state, teaching young people the soft skills necessary to succeed in  
 17 employment, identifying demand occupations, and assessing the required  
 18 skills.  
 19 Sec. 3. For purposes of the Youth Opportunities in Learning and



20 Occupations Act:

21 (1) Commissioner means the Commissioner of Labor;

22 (2) Demand occupation means an occupation requiring specific skills  
23 and for which, as a result of business development, there are positive  
24 growth-to-replacement ratios, or such ratios are expected within the next  
25 twelve to twenty-four months, according to the best available sources of  
26 state and local labor-market information;

1 (3) Department means the Department of Labor;

2 (4) Employer means an individual or entity engaged in a business, an  
3 industry, a profession, a trade, or other enterprise in this state that  
4 is in compliance with the reporting and payment requirements of the  
5 Employment Security Law as determined by the department;

6 (5) Nonprofit corporation means any corporation that is exempt for  
7 federal tax purposes under section 501(c)(3) of the Internal Revenue  
8 Code;

9 (6) Qualified youth means an individual between the ages of sixteen  
10 years and twenty-four years who (a) qualifies for free or reduced-price  
11 lunches under the United States Department of Agriculture child nutrition  
12 programs or (b) is receiving a Federal Pell Grant award for at least a  
13 portion of the time period of the training; and

14 (7) Soft skills means personal attributes and interpersonal skills  
15 that complement occupational skills in the workplace.

16 Sec. 4. The following entities may apply to the commissioner for a  
17 grant pursuant to the Youth Opportunities in Learning and Occupations  
18 Act:

19 (1) One or more employers seeking to secure training for qualified  
20 youth for demand occupations in a particular industry; or

21 (2) One or more nonprofit corporations that do business in this  
22 state and provide qualified youth with soft-skills training for career  
23 readiness, career counseling to assess occupational skills, interests,  
24 and abilities and analyze potential career opportunities, or other  
25 programming related to career readiness.

26 Sec. 5. (1) Beginning in fiscal year 2017-18 and each fiscal year  
27 thereafter, the commissioner shall award grants pursuant to the Youth  
28 Opportunities in Learning and Occupations Act such that the grant funds  
29 awarded are approximately equal for each congressional district, except  
30 that if there are not sufficient qualified applicants in any  
31 congressional district, the commissioner may award the unused grant funds  
1 to applicants in another congressional district. No more than one-half of  
2 the funds allocated to each congressional district shall be awarded to  
3 employers. The commissioner, in awarding grants, shall give priority to  
4 programs, services, or training that results in employment.

5 (2) No payment shall be made from the Youth Opportunities in  
6 Learning and Occupations Fund for a grant awarded pursuant to this  
7 section until the commissioner has received evidence that the entity  
8 receiving such grant award has either received matching funds from  
9 another source or irrevocably committed funds of the entity to be used  
10 for the purposes of the grant in an amount equal to or greater than the  
11 amount of the grant award. Such matching funds may be from any source.

12 including private foundations, federal or local government sources, or  
13 quasi-governmental entities, that is not using money appropriated by the  
14 Legislature to provide the matching funds. Money used to meet the  
15 matching funds requirement and money received pursuant to the grant award  
16 may not be used for capital construction.

17 (3) Appeals of any decision of the commissioner pursuant to this  
18 section shall be in accordance with the Administrative Procedure Act.  
19 Sec. 6. Grant funds received pursuant to the Youth Opportunities in  
20 Learning and Occupations Act shall be used to:

21 (1) Prepare qualified youth to enter the workforce;

22 (2) Develop marketable skills and competencies, increase earning  
23 power, and secure jobs for qualified youth who successfully complete  
24 training;

25 (3) Provide career counseling to assist qualified youth in analyzing  
26 marketable skills and connecting those skills with current jobs that are  
27 in demand occupations;

28 (4) Reduce unemployment for qualified youth within this state;

29 (5) Provide a basis for qualified youth who are employed to  
30 successfully increase skills to access higher positions;

31 (6) Engage employers in preparing qualified youth for gainful  
1 employment;

2 (7) Prepare qualified youth to fulfill the employment needs of  
3 businesses in this state; and

4 (8) Assist in identifying and developing qualified youth to fulfill  
5 the demand for skilled workers in this state.

6 Sec. 7. On or before November 1, 2018, and on or before November 1  
7 of each year thereafter, the commissioner shall report to the Governor  
8 and the Clerk of the Legislature on the distribution and use of the  
9 grants distributed under the Youth Opportunities in Learning and  
10 Occupations Act, including how many entities applied to receive grants,  
11 how many entities received grants, the types of programming receiving  
12 grants, how many qualified youth the entities plan to train, how many  
13 qualified youth successfully completed their training, and information on  
14 any funds that have not been used. The report to the Clerk of the  
15 Legislature shall be submitted electronically.

16 Sec. 8. The department shall adopt and promulgate rules and  
17 regulations to carry out the Youth Opportunities in Learning and  
18 Occupations Act. The rules and regulations shall include, but not be  
19 limited to, application timelines and requirements, guidelines for  
20 evaluating applications, requirements for evidence regarding matching  
21 funds, a plan for evaluating the effectiveness of programs, services, and  
22 training that receive funding, and a reporting process for grant  
23 recipients.

24 Sec. 9. (1) The Youth Opportunities in Learning and Occupations  
25 Fund is created. The fund shall be used for (a) administrative costs of  
26 establishing, assessing, and maintaining the grant program pursuant to  
27 the Youth Opportunities in Learning and Occupations Act and (b) providing  
28 grants pursuant to the act. The fund shall consist of any money  
29 appropriated to the Youth Opportunities in Learning and Occupations Fund

30 by the Legislature, any money made available by any department or agency  
 31 of the United States if so directed by such department or agency, and any  
 1 donations, gifts, bequests, or other contributions to the fund from  
 2 public or private entities.  
 3 (2) Any money in the fund not distributed shall be retained by the  
 4 department to be distributed as grants in the next fiscal year and shall  
 5 not be expended by the department for any other purpose.  
 6 (3) Any money in the fund available for investment shall be invested  
 7 by the state investment officer pursuant to the Nebraska Capital  
 8 Expansion Act and the Nebraska State Funds Investment Act. Investment  
 9 earnings from money in the fund shall be credited to the fund.  
 10 Sec. 10. It is the intent of the Legislature to appropriate two  
 11 million five hundred thousand dollars from the General Fund for fiscal  
 12 year 2017-18 to carry out the Youth Opportunities in Learning and  
 13 Occupations Act.

Pending.

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 382.** Placed on General File.

(Signed) John Murante, Chairperson

Education

**LEGISLATIVE BILL 634.** Placed on General File.

(Signed) Mike Groene, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 148.** Placed on Final Reading.  
**LEGISLATIVE BILL 182.** Placed on Final Reading.  
**LEGISLATIVE BILL 207.** Placed on Final Reading.  
**LEGISLATIVE BILL 210.** Placed on Final Reading.  
**LEGISLATIVE BILL 407.** Placed on Final Reading.  
**LEGISLATIVE BILL 518.** Placed on Final Reading.  
**LEGISLATIVE BILL 518A.** Placed on Final Reading.  
**LEGISLATIVE BILL 566.** Placed on Final Reading.  
**LEGISLATIVE BILL 590.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 91.** Introduced by Kolterman, 24.

**PURPOSE:** The purpose of this study is to examine the public employees' retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System of the State of Nebraska, the Retirement System for Nebraska Counties, the School Employees Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System. The study may also examine any retirement system administered under the Class V School Employees Retirement Act.

The study shall examine issues as they relate to the funding needs, benefits, contributions, and administration of each retirement system.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 92.** Introduced by Kolterman, 24.

**PURPOSE:** The purpose of this study is to carry out section 13-2402 of the Nebraska Revised Statutes, which requires the Nebraska Retirement Systems Committee of the Legislature to monitor underfunded defined benefit plans administered by political subdivisions. The study committee shall conduct a public hearing for the presentation of reports by all political subdivisions with underfunded defined benefit plans.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Arteaga, Candice - Commission for the Deaf and Hard of Hearing - Health and Human Services

Bailey, Bruce D. - Nebraska Liquor Control Commission - General Affairs

Eberspacher, Kurt - Boiler Safety Code Advisory Board - Business and Labor

Hetzler, William - Boiler Safety Code Advisory Board - Business and Labor

Jazyuka, Aaron - Boiler Safety Code Advisory Board - Business and Labor

Kasl, Martin - Boiler Safety Code Advisory Board - Business and Labor

Robinson, Timothy - Foster Care Review Board - Health and Human Services

(Signed) Dan Watermeier, Chairperson  
Executive Board

**VISITOR(S)**

Visitors to the Chamber were 6 fourth-grade students and sponsors from Chase County Schools, Imperial; 9 tenth- and eleventh-grade FFA students from Lexington; and Quin Woods and Turner Linafelter from Lincoln.

**ADJOURNMENT**

At 4:54 p.m., on a motion by Senator Bostelman, the Legislature adjourned until 9:00 a.m., Thursday, April 6, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTY-FIRST DAY - APRIL 6, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**SIXTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 6, 2017

**PRAYER**

The prayer was offered by Pastor LaVern Smith, Community Bible Church, Omaha.

**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 Senator Ebke, Groene, Kuehn, Lindstrom, McCollister, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixtieth day was approved.

**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>

**MOTION(S) - Confirmation Report(s)**

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 770:

Public Employees Retirement Board  
James D. Schulz

Voting in the affirmative, 30:

Albrecht	Brewer	Geist	Larson	Riepe
Baker	Clements	Halloran	Lowe	Scheer
Blood	Craighead	Hansen	McDonnell	Schumacher
Bolz	Crawford	Hilkemann	Morfeld	Stinner
Bostelman	Erdman	Hughes	Pansing Brooks	Vargas
Brasch	Friesen	Kolowski	Quick	Williams

Voting in the negative, 0.

Present and not voting, 13:

Briese	Hilgers	Krist	Smith	Wishart
Chambers	Howard	Linehan	Walz	
Harr	Kolterman	Murante	Wayne	

Excused and not voting, 6:

Ebke	Kuehn	McCollister
Groene	Lindstrom	Watermeier

The appointment was confirmed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 832:

Board of Emergency Medical Services

Joel Cerny  
 Thomas Deegan  
 Linda Jensen  
 James Smith  
 Scott C. Wiebe

Voting in the affirmative, 31:

Albrecht	Craighead	Kolowski	Morfeld	Walz
Baker	Crawford	Kolterman	Pansing Brooks	Williams
Blood	Erdman	Krist	Quick	Wishart
Brasch	Geist	Larson	Riepe	
Brewer	Hansen	Linehan	Smith	
Chambers	Hilkemann	Lowe	Stinner	
Clements	Howard	McDonnell	Vargas	

Voting in the negative, 0.

Present and not voting, 12:



Bolz	Friesen	Hilgers	Scheer
Bostelman	Halloran	Hughes	Schumacher
Briese	Harr	Murante	Wayne

Excused and not voting, 6:

Ebke	Kuehn	McCollister
Groene	Lindstrom	Watermeier

The appointments were confirmed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 173.** Title read. Considered.

Senator Bolz offered the following amendment:

AM958

- 1 1. On page 4, line 27, strike "For prohibiting" and insert "A
- 2 prohibition of".
- 3 2. On page 7, line 1, after "person" insert "or persons".
- 4 3. On page 25, line 8, after "Acquire" insert an underscored comma;
- 5 and in line 9, after "person" insert an underscored comma.

Pending.

### NOTICE OF COMMITTEE HEARING(S) Health and Human Services

Room 1510

Thursday, April 20, 2017 1:00 p.m.

Timothy Robinson - Foster Care Review Board

(Signed) Merv Riepe, Chairperson

### AMENDMENT(S) - Print in Journal

Senator Brasch filed the following amendment to LB276:

AM952

- 1 1. On page 3, strike lines 1 through 15 and all amendments thereto
- 2 and insert the following new subsections:
- 3 "(2) In addition to the criminal penalty provided under subsection
- 4 (1) of this section, a restraining order or a temporary, permanent, or
- 5 mandatory injunction may be imposed against any person to restrain the
- 6 commission or continuance of any act in violation of any of the
- 7 provisions of sections 81-2.155 and 81-2.156. The district court of the
- 8 county where such act is occurring or about to occur shall have

9 jurisdiction to grant such relief upon good cause shown. Relief may be  
 10 granted notwithstanding the existence of any other remedy at law and  
 11 shall be granted without bond.  
 12 (3) Whenever the Director of Agriculture has a reasonable belief  
 13 that the commission or continuance of any act is in violation of sections  
 14 81-2,155 and 81-2,156, the director shall report such belief to the  
 15 Attorney General or the county attorney of the county in which such act  
 16 is occurring or about to occur. Upon satisfactory information provided by  
 17 the director, the Attorney General or the appropriate county attorney may  
 18 cause appropriate proceedings pursuant to this section to be initiated  
 19 without delay."

Senator Krist filed the following amendment to LB300:

AM946

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

2 sections:

3 Section 1. Section 25-228, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 25-228 (1) Notwithstanding any other provision of law: 7

6 (a) There shall not be any time limitation for an action against the  
 7 individual or individuals directly causing ~~actions for~~ an injury or  
 8 injuries suffered by a plaintiff when the plaintiff was a victim of a  
 9 violation of section 28-319.01 or 28-320.01 if such violation occurred  
 10 (i) on or after the effective date of this act or (ii) prior to the  
 11 effective date of this act if such action was not previously time barred;

12 and

13 (b) An action against any person or entity other than the individual  
 14 directly causing an injury or injuries suffered by a plaintiff when the  
 15 plaintiff was a victim of a violation of section 28-319.01 or 28-320.01  
 16 may ~~can~~ only be brought within twelve years after the plaintiff's twenty-  
 17 first birthday.

18 (2) Criminal prosecution of a defendant under section 28-319.01 or  
 19 28-320.01 is not required to maintain a civil action for violation of  
 20 such sections.

21 Sec. 2. Original section 25-228, Reissue Revised Statutes of  
 22 Nebraska, is repealed.

### GENERAL FILE

**LEGISLATIVE BILL 173.** The Bolz amendment, AM958, found in this day's Journal, was renewed.

Pending.

### COMMITTEE REPORT(S)

Revenue

**LEGISLATIVE BILL 461.** Placed on General File with amendment. AM954 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

**VISITOR(S)**

Visitors to the Chamber were 50 fourth-grade students from Pierce; Jacob Lambert, UNL intern; 24 fourth-grade students and sponsors from Arapahoe; 5 FFA members from Gothenburg, including Senator Williams' granddaughter, Ainsley; 37 fourth-grade students and sponsors from Fillmore Central Elementary, Geneva; and 50 fourth-grade students and sponsors from Cross County Community School, Stromsburg.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Albrecht, the Legislature adjourned until 9:00 a.m., Monday, April 10, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTY-SECOND DAY - APRIL 10, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**SIXTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 10, 2017

**PRAYER**

The prayer was offered by Pastor Phyllis Dunlop, First Christian Church, Elwood.

**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, Hansen, Kolowski, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-first day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 9.** Placed on Final Reading.

**LEGISLATIVE BILL 88.** Placed on Final Reading.

ST8

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER26:
  - a. On page 72, line 15, "67 and 71" has been struck and "69 and 74" inserted;
  - b. On page 73, line 7, "67" has been struck and "69" inserted;
  - c. On page 86, line 30, "68, 92, and 93" has been struck and "70, 95, and 96" inserted;
  - d. On page 87, line 1, "65, 66, 67, 71, and 91" has been struck and "53, 54, 67, 68, 69, 74, and 94" inserted; in line 9 "38-2220," has been inserted after "38-2130,"; in line 14 "38-2201" has been struck and "38-1509, 38-1512, 38-2201," inserted; in line 29 "38-1509, 38-1512," has been

inserted after the second comma; and in line 31 "38-2220," has been inserted after the second comma; and

e. On page 88, line 11, ", the Hearing Instrument Specialists Practice Act, and the Nurse Practice Act" has been inserted after "Act".

**LEGISLATIVE BILL 92.** Placed on Final Reading.

ST5

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "telehealth" in line 1 through line 3 has been struck and "public health and welfare; to amend section 71-8509, Revised Statutes Cumulative Supplement, 2016; to require certain health carriers to provide coverage for certain services delivered through telehealth; to change provisions relating to telehealth services for children's behavioral health; to provide a duty for the Revisor of Statutes; and to repeal the original section." inserted.

**LEGISLATIVE BILL 161.** Placed on Final Reading.

**LEGISLATIVE BILL 195.** Placed on Final Reading.

**LEGISLATIVE BILL 225.** Placed on Final Reading.

**LEGISLATIVE BILL 271.** Placed on Final Reading.

**LEGISLATIVE BILL 339.** Placed on Final Reading.

ST7

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 2, lines 24 and 25, "a fund" has been struck and "funds" inserted.

2. On page 9, line 19, the first "her" has been struck and "his" inserted.

**LEGISLATIVE BILL 340.** Placed on Final Reading.

**LEGISLATIVE BILL 506.** Placed on Final Reading.

ST4

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "to amend section 71-3407, Revised Statutes Cumulative Supplement, 2016;" has been inserted after the semicolon; and in line 2 "; to provide duties for the State Child and Maternal Death Review Team; and to repeal the original section" has been inserted after "Act".

**LEGISLATIVE BILL 539.** Placed on Final Reading.

**LEGISLATIVE BILL 600.** Placed on Final Reading.

**LEGISLATIVE BILL 625.** Placed on Final Reading.

**LEGISLATIVE BILL 641.** Placed on Final Reading.

ST6

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Schumacher amendment, FA54, "planning committee" has been struck and "Legislature's Planning Committee" has been inserted.
2. In the Watermeier amendment, AM893:
  - a. On page 1, line 17, "six" has been struck and "seven" inserted; and
  - b. On page 2, line 21, "Advisory committee" has been struck and "Task Force" inserted.
3. In the Lindstrom amendment, AM902, on page 1, line 5, "(4)" has been struck and "(3)" inserted.
4. In the Schumacher amendment, AM868, on page 1, line 7, "(4)" has been struck and "(5)" inserted.
5. In the E and R amendment, ER32, on page 4, line 10, "the Business Innovation Act" has been struck and "economic development" inserted.

(Signed) Anna Wishart, Chairperson

#### AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB461:  
AM965

(Amendments to Standing Committee amendments, AM954)

- 1 1. On page 24, line 11, after "Board" insert "in its October
- 2 forecast".
- 3 2. On page 37, line 11, strike the first comma and show as stricken,
- 4 after "each" insert "tax", and after "thereafter" insert "through tax
- 5 year 2018"; and in line 14 after the period insert "For tax year 2019,
- 6 the credit amount shall be one hundred forty-six dollars. For tax year
- 7 2020 and each tax year thereafter, the credit amount shall be adjusted
- 8 for inflation by the method provided in section 151 of the Internal
- 9 Revenue Code of 1986, as amended. The one-hundred-forty-six-dollar credit
- 10 amount shall be adjusted for cumulative inflation since 2019."

Senator Smith filed the following amendment to LB461:  
AM966

(Amendments to Standing Committee amendments, AM954)

- 1 1. On page 2, line 7, after "means" insert "land".

#### COMMITTEE REPORT(S)

Education

**LEGISLATIVE BILL 409.** Placed on General File with amendment.  
AM955

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 77-3446, Revised Statutes Cumulative Supplement,
- 4 2016, is amended to read:
- 5 77-3446 Base limitation means the budget limitation rate applicable
- 6 to school districts and the limitation on growth of restricted funds
- 7 applicable to other political subdivisions prior to any increases in the
- 8 rate as a result of special actions taken by a supermajority of any

9 governing board or of any exception allowed by law. The base limitation  
 10 is two and one-half percent until adjusted, except that the base  
 11 limitation for school districts for school fiscal years 2017-18 and  
 12 2018-19 ~~year 2012-13 is one half of one percent and the base limitation~~  
 13 ~~for school districts for school fiscal year 2013-14~~ is one and one-half  
 14 percent. The base limitation may be adjusted annually by the Legislature  
 15 to reflect changes in the prices of services and products used by school  
 16 districts and political subdivisions.

17 Sec. 2. Section 79-1009, Revised Statutes Cumulative Supplement,  
 18 2016, is amended to read:

19 79-1009 (1)(a) A district shall receive net option funding if (i)  
 20 option students as defined in section 79-233 were actually enrolled in  
 21 the school year immediately preceding the school year in which the aid is  
 22 to be paid, (ii) option students as defined in such section will be  
 23 enrolled in the school year in which the aid is to be paid as converted  
 24 contract option students, or (iii) for the calculation of aid for school  
 25 fiscal year 2017-18 for school districts that are members of a learning  
 26 community, open enrollment students were actually enrolled for school  
 27 year 2016-17 pursuant to section 79-2110.

1 (b) The determination of the net number of option students shall be  
 2 based on (i) the number of students enrolled in the district as option  
 3 students and the number of students residing in the district but enrolled  
 4 in another district as option students as of the day of the fall  
 5 membership count pursuant to section 79-528, for the school fiscal year  
 6 immediately preceding the school fiscal year in which aid is to be paid,  
 7 (ii) the number of option students that will be enrolled in the district  
 8 or enrolled in another district as converted contract option students for  
 9 the fiscal year in which the aid is to be paid, and (iii) for the  
 10 calculation of aid for school fiscal year 2017-18 for school districts  
 11 that are members of a learning community, the number of students enrolled  
 12 in the district as open enrollment students and the number of students  
 13 residing in the district but enrolled in another district as open  
 14 enrollment students as of the day of the fall membership count pursuant  
 15 to section 79-528 for school fiscal year 2016-17.

16 (c) Except as otherwise provided in this subsection, net number of  
 17 option students means the difference of the number of option students  
 18 enrolled in the district minus the number of students residing in the  
 19 district but enrolled in another district as option students. For  
 20 purposes of the calculation of aid for school fiscal year 2017-18 for  
 21 school districts that are members of a learning community, net number of  
 22 option students means the difference of the number of students residing  
 23 in another school district who are option students or open enrollment  
 24 students enrolled in the district minus the number of students residing  
 25 in the district but enrolled in another district as option students or  
 26 open enrollment students.

27 (2)(a) For all school fiscal years except school fiscal years  
 28 2017-18 and 2018-19 ~~(2) For purposes of this section~~, net option funding  
 29 shall be ~~the sum of~~ the product of the net number of option students  
 30 multiplied by the statewide average basic funding per formula student.



31 (b) For school fiscal years 2017-18 and 2018-19, net option funding  
 1 shall be the product of the net number of option students multiplied by  
 2 ninety-five and five-tenths percent of the statewide average basic  
 3 funding per formula student.

4 (3) A district's net option funding shall be zero if the calculation  
 5 produces a negative result.

6 Payments made under this section for school fiscal years prior to  
 7 school fiscal year 2017-18 shall be made from the funds to be disbursed  
 8 under section 79-1005.01.

9 Such payments shall go directly to the option school district but  
 10 shall count as a formula resource for the local system.

11 Sec. 3. Section 79-1015.01, Reissue Revised Statutes of Nebraska, is  
 12 amended to read:

13 79-1015.01 (1) Local system formula resources shall include local  
 14 effort rate yield which shall be computed as prescribed in this section.

15 (2) For each school fiscal year except school fiscal years 2017-18  
 16 and 2018-19 2011-12 through 2013-14: (a) For state aid certified pursuant  
 17 to section 79-1022, the local effort rate shall be the maximum levy, for  
 18 the school fiscal year for which aid is being certified, authorized  
 19 pursuant to subdivision (2)(a) of section 77-3442 less five cents; (b)  
 20 for the final calculation of state aid pursuant to section 79-1065, the  
 21 local effort rate shall be the rate which, when multiplied by the total  
 22 adjusted valuation of all taxable property in local systems receiving  
 23 equalization aid pursuant to the Tax Equity and Educational Opportunities  
 24 Support Act, will produce the amount needed to support the total formula  
 25 need of such local systems when added to state aid appropriated by the  
 26 Legislature and other actual receipts of local systems described in  
 27 section 79-1018.01; and (c) the local effort rate yield for such school  
 28 fiscal years shall be determined by multiplying each local system's total  
 29 adjusted valuation by the local effort rate.

30 ~~(3) For school fiscal years 2011-12 and 2012-13: (a) For state aid~~  
 31 ~~certified pursuant to section 79-1022, the local effort rate shall be the~~  
 1 ~~maximum levy, for the school fiscal year for which aid is being~~  
 2 ~~certified, authorized pursuant to subdivision (2)(a) of section 77-3442~~  
 3 ~~less one and five hundredths of one cent; (b) for the final calculation~~  
 4 ~~of state aid pursuant to section 79-1065, the local effort rate shall be~~  
 5 ~~the rate which, when multiplied by the total adjusted valuation of all~~  
 6 ~~taxable property in local systems receiving equalization aid pursuant to~~  
 7 ~~the Tax Equity and Educational Opportunities Support Act, will produce~~  
 8 ~~the amount needed to support the total formula need of such local systems~~  
 9 ~~when added to state aid appropriated by the Legislature and other actual~~  
 10 ~~receipts of local systems described in section 79-1018.01; and (c) the~~  
 11 ~~local effort rate yield for such school fiscal years shall be determined~~  
 12 ~~by multiplying each local system's total adjusted valuation by the local~~  
 13 ~~effort rate.~~

14 (3) (4) For school fiscal years 2017-18 and 2018-19 ~~year 2013-14:~~

15 (a) For state aid certified pursuant to section 79-1022, the local effort  
 16 rate shall be the maximum levy, for the school fiscal year for which aid  
 17 is being certified, authorized pursuant to subdivision (2)(a) of section

18 77-3442 less two and ninety-seven hundredths cents; (b) for the final  
 19 calculation of state aid pursuant to section 79-1065, the local effort  
 20 rate shall be the rate which, when multiplied by the total adjusted  
 21 valuation of all taxable property in local systems receiving equalization  
 22 aid pursuant to the Tax Equity and Educational Opportunities Support Act,  
 23 will produce the amount needed to support the total formula need of such  
 24 local systems when added to state aid appropriated by the Legislature and  
 25 other actual receipts of local systems described in section 79-1018.01;  
 26 and (c) the local effort rate yield for such school fiscal years shall be  
 27 determined by multiplying each local system's total adjusted valuation by  
 28 the local effort rate.

29 Sec. 4. Section 79-10,145, Revised Statutes Cumulative Supplement,  
 30 2016, is amended to read:

31 79-10,145 (1) For school fiscal year 2017-18, the department shall,  
 1 based on data for school fiscal year 2016-17, calculate the amount of  
 2 learning community transition aid, if any, to be paid from the Nebraska  
 3 Education Improvement Fund to each school district that is a member of a  
 4 learning community which levied a common levy for member school districts  
 5 prior to school fiscal year 2017-18. Learning community transition aid  
 6 for each such district shall be calculated by:

7 (a) Recalculating the 2016-17 state aid for each member school  
 8 district as if the district were not a member of the learning community  
 9 using the same data that was used in the certification pursuant to  
 10 section 79-1022 to determine the calculated 2016-17 individual state aid  
 11 for each member school district;

12 (b) Multiplying the aggregate taxable valuation for all member  
 13 school districts for the 2016 tax year by the ratio of ninety-five cents  
 14 per one hundred dollars of taxable valuation and multiplying the result  
 15 by ninety-nine percent to determine the calculated 2016-17 common levy  
 16 receipts;

17 (c) Dividing the calculated 2016-17 common levy receipts among  
 18 member school districts proportionally based on the difference of the  
 19 formula need calculated pursuant to section 79-1007.11 minus the sum of  
 20 the state aid certified pursuant to section 79-1022 and the other actual  
 21 receipts included in local system formula resources pursuant to section  
 22 79-1018.01 for the 2016-17 school fiscal year to determine the district  
 23 share of the calculated 2016-17 common levy receipts for each member  
 24 district;

25 (d) Adding the district share of the calculated 2016-17 common levy  
 26 receipts to the state aid certified pursuant to section 79-1022 for the  
 27 2016-17 school fiscal year to determine the calculated 2016-17 common  
 28 levy resources total for each member school district;

29 (e) Multiplying the taxable valuation for each member school  
 30 district for the 2016 tax year by the ratio of ninety-five cents per one  
 31 hundred dollars of taxable valuation and multiplying the result by  
 1 ninety-nine percent to determine the calculated 2016-17 individual levy  
 2 receipts for each member school district;

3 (f) Adding the calculated 2016-17 individual levy receipts to the  
 4 calculated 2016-17 individual state aid to determine the calculated

5 2016-17 individual district resources total for each member school  
6 district; and  
7 (g) Multiplying the difference of ~~between~~ the calculated 2016-17  
8 common levy resources total minus both the calculated 2016-17 individual  
9 district resources total and the community achievement plan aid  
10 calculated for school fiscal year 2017-18 pursuant to section 79-1005 for  
11 each member school district by fifty percent to equal the 2017-18  
12 learning community transition aid for each member school district for  
13 which the calculated common levy resources total is greater than such sum  
14 of the calculated individual district resources total plus the community  
15 achievement plan aid.  
16 (2) For school fiscal year 2018-19, the department shall, based on  
17 data for school fiscal year 2017-18, calculate the amount of learning  
18 community transition aid, if any, to be paid from the Nebraska Education  
19 Improvement Fund to each school district that is a member of a learning  
20 community which levied a common levy for member school districts prior to  
21 school fiscal year 2017-18. Learning community transition aid for each  
22 such district shall be calculated by:  
23 (a) Recalculating the 2017-18 state aid for each member school  
24 district as if the district continued to be subject to a learning  
25 community general fund common levy and without any poverty allowance  
26 adjustment pursuant to section 79-1007.06 or community achievement aid  
27 pursuant to section 79-1005 using the same data that was used in the  
28 certification pursuant to section 79-1022 to determine the calculated  
29 2017-18 common levy formula need and calculated 2017-18 common levy state  
30 aid for each member school district;  
31 (b) Multiplying the aggregate taxable valuation for all member  
1 school districts for the 2017 tax year by the ratio of ninety-five cents  
2 per one hundred dollars of taxable valuation and multiplying the result  
3 by ninety-nine percent to determine the calculated 2017-18 common levy  
4 receipts;  
5 (c) Dividing the calculated 2017-18 common levy receipts among  
6 member school districts proportionally based on the difference of the  
7 calculated common levy formula need minus the sum of the calculated  
8 2017-18 common levy state aid and the other actual receipts included in  
9 local system formula resources pursuant to section 79-1018.01 for the  
10 2017-18 school fiscal year to determine the district share of the  
11 calculated 2017-18 common levy receipts for each member district;  
12 (d) Adding the district share of the calculated 2017-18 common levy  
13 receipts to the calculated 2017-18 common levy state aid to determine the  
14 calculated 2017-18 common levy resources total for each member school  
15 district;  
16 (e) Multiplying the taxable valuation for each member school  
17 district for the 2017 tax year by the ratio of ninety-five cents per one  
18 hundred dollars of taxable valuation and multiplying the result by  
19 ninety-nine percent to determine the calculated 2017-18 individual levy  
20 receipts for each member school district;  
21 (f) Adding the calculated 2017-18 individual levy receipts to the  
22 state aid certified pursuant to section 79-1022 for school fiscal year

23 2017-18 to determine the calculated 2017-18 individual district resources  
 24 total for each member school district; and  
 25 (g) Multiplying the difference between the calculated 2017-18 common  
 26 levy resources total minus the calculated 2017-18 individual district  
 27 resources total for each member school district by twenty-five percent to  
 28 equal the 2018-19 learning community transition aid for each member  
 29 school district for which the calculated common levy resources total is  
 30 greater than the calculated individual district resources total.  
 31 (3) Learning community transition aid shall not be considered in the  
 1 calculation of formula resources pursuant to section 79-1017.01.  
 2 Sec. 5. Original section 79-1015.01, Reissue Revised Statutes of  
 3 Nebraska, and sections 77-3446, 79-1009, and 79-10,145, Revised Statutes  
 4 Cumulative Supplement, 2016, are repealed.  
 5 Sec. 6. Since an emergency exists, this act takes effect when  
 6 passed and approved according to law.

(Signed) Mike Groene, Chairperson

Health and Human Services

**LEGISLATIVE BILL 223.** Placed on General File with amendment.  
 AM950

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. Section 71-2454, Revised Statutes Cumulative Supplement,  
 4 2016, is amended to read:  
 5 71-2454 (1) An entity described in section 71-2455 shall establish a  
 6 system of prescription drug monitoring for the purposes of (a) preventing  
 7 the misuse of controlled substances that are prescribed and (b) allowing  
 8 prescribers and dispensers to monitor the care and treatment of patients  
 9 for whom such a prescription drug is prescribed to ensure that such  
 10 prescription drugs are used for medically appropriate purposes and that  
 11 the State of Nebraska remains on the cutting edge of medical information  
 12 technology.  
 13 (2) Such system of prescription drug monitoring shall be implemented  
 14 as follows: Except as provided in subsection (4) of this section,  
 15 beginning January 1, 2017, all dispensed prescriptions of controlled  
 16 substances shall be reported; and beginning January 1, 2018, all  
 17 prescription information shall be reported to the prescription drug  
 18 monitoring system. The prescription drug monitoring system shall include,  
 19 but not be limited to, provisions that:  
 20 (a) Prohibit any patient from opting out of the prescription drug  
 21 monitoring system;  
 22 (b) Require all prescriptions dispensed in this state or to an  
 23 address in this state to be entered into the system by the dispenser or  
 24 his or her designee daily after such prescription is dispensed, including  
 25 those for patients paying cash for such prescription drug or otherwise  
 26 not relying on a third-party payor for payment for the prescription drug;  
 27 (c) Allow all prescribers or dispensers of prescription drugs to

1 access the system at no cost to such prescriber or dispenser; ~~and~~  
2 (d) Ensure that such system includes information relating to all  
3 payors, including, but not limited to, the medical assistance program  
4 established pursuant to the Medical Assistance Act; and -  
5 (e) Make the prescription information available to the statewide  
6 health information exchange described in section 71-2455 for access by  
7 its participants if such access is in compliance with the privacy and  
8 security protections set forth in the provisions of the Health Insurance  
9 Portability and Accountability Act of 1996, Public Law 104-191, and  
10 regulations promulgated thereunder, except that if a patient opts out of  
11 the statewide health information exchange, the prescription information  
12 regarding that patient shall not be accessible by the participants in the  
13 statewide health information exchange.  
14 Dispensers may begin on February 25, 2016, to report dispensing of  
15 prescriptions to the entity described in section 71-2455 which is  
16 responsible for establishing the system of prescription drug monitoring.  
17 (3) Except as provided in subsection (4) of this section,  
18 prescription ~~Prescription~~ information that shall be submitted  
19 electronically to the prescription drug monitoring system shall be  
20 determined by the entity described in section 71-2455 and shall include,  
21 but not be limited to:  
22 (a) The patient's name, address, and date of birth;  
23 (b) The name and address of the pharmacy dispensing the  
24 prescription;  
25 (c) The date the prescription is issued;  
26 (d) The date the prescription is filled;  
27 (e) The name of the drug dispensed or the National Drug Code number  
28 as published by the federal Food and Drug Administration of the drug  
29 dispensed;  
30 (f) The strength of the drug prescribed;  
31 (g) The quantity of the drug prescribed and the number of days'  
1 supply; and  
2 (h) The prescriber's name and National Provider Identifier number or  
3 Drug Enforcement Administration number when reporting a controlled  
4 substance.  
5 (4) Beginning ~~July~~ January 1, 2018, a veterinarian licensed under  
6 the Veterinary Medicine and Surgery Practice Act shall be required to  
7 report a dispensed prescription of controlled substances listed on  
8 Schedule II, Schedule III, or Schedule IV pursuant to section 28-405.  
9 Each such veterinarian shall indicate that the prescription is an animal  
10 prescription and shall include the following information in such report:  
11 (a) The first and last name and address, including city, state, and  
12 ZIP code, of the individual to whom the drug is dispensed in accordance  
13 with a valid veterinarian-client-patient relationship;  
14 (b) Reporting status;  
15 (c) The first and last name of the prescribing veterinarian and his  
16 or her federal Drug Enforcement Administration number;  
17 (d) The name of the drug dispensed and the prescription number;  
18 (e) The date the prescription is written and the date the

19 prescription is filled;

20 (f) The number of refills authorized, if any; and

21 (g) The quantity of the drug dispensed and the number of days'

22 supply.

23 (5)(a) (~~5~~) All prescription drug information submitted pursuant to  
24 this section, all data contained in the prescription drug monitoring  
25 system, and any report obtained from data contained in the prescription  
26 drug monitoring system are confidential, are privileged, are not public  
27 records, and may be withheld pursuant to section 84-712.05.

28 (b) No patient-identifying data as defined in section 81-664,  
29 including the data collected under subsection (3) of this section, shall  
30 be disclosed, made public, or released to any public or private person or  
31 entity except to the statewide health information exchange described in  
1 section 71-2455 and its participants and to prescribers and dispensers as  
2 provided in subsection (2) of this section.

3 (c) All other data is for the confidential use of the department and  
4 the statewide health information exchange described in section 71-2455  
5 and its participants. The department may release such information as  
6 Class I, Class II, or Class IV data in accordance with section 81-667 to  
7 the private or public persons or entities that the department determines  
8 may view such records as provided in sections 81-663 to 81-675.

9 (6) Before accessing the prescription drug monitoring system, any  
10 user shall undergo training on the purpose of the system, access to and  
11 proper usage of the system, and the law relating to the system, including  
12 confidentiality and security of the prescription drug monitoring system.  
13 Such training shall be administered by the statewide health information  
14 exchange described in section 71-2455 which shall have access to the  
15 prescription drug monitoring system for training and administrative  
16 purposes. Users who have been trained prior to the effective date of this  
17 act are deemed to be in compliance with the training requirement of this  
18 subsection.

19 (7) (~~6~~) For purposes of this section:

20 (a) Designee means any licensed or registered health care  
21 professional credentialed under the Uniform Credentialing Act designated  
22 by a prescriber or dispenser to act as an agent of the prescriber or  
23 dispenser for purposes of submitting or accessing data in the  
24 prescription drug monitoring system and who is directly supervised by  
25 such prescriber or dispenser;

26 (b) Dispenser means a person authorized in the jurisdiction in which  
27 he or she is practicing to deliver a prescription to the ultimate user by  
28 or pursuant to the lawful order of a prescriber but does not include (i)  
29 the delivery of such prescription drug for immediate use for purposes of  
30 inpatient hospital care or emergency department care, (ii) the  
31 administration of a prescription drug by an authorized person upon the  
1 lawful order of a prescriber, (iii) a wholesale distributor of a  
2 prescription drug monitored by the prescription drug monitoring system,  
3 or (iv) through December 31, 2017, a veterinarian licensed under the  
4 Veterinary Medicine and Surgery Practice Act when dispensing  
5 prescriptions for animals in the usual course of providing professional

6 services; ~~and~~

7 (c) Participant means an individual or entity that has entered into  
8 a participation agreement with the statewide health information exchange  
9 described in section 71-2455 which requires the individual or entity to  
10 comply with the privacy and security protections set forth in the  
11 provisions of the Health Insurance Portability and Accountability Act of  
12 1996, Public Law 104-191, and regulations promulgated thereunder; and

13 (d) ~~(e)~~ Prescriber means a health care professional authorized to  
14 prescribe in the profession which he or she practices.

15 Sec. 2. Original section 71-2454, Revised Statutes Cumulative  
16 Supplement, 2016, is repealed.

17 Sec. 3. Since an emergency exists, this act takes effect when  
18 passed and approved according to law.

**LEGISLATIVE BILL 578.** Placed on General File with amendment.  
AM917

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

3 Section 1. Section 68-901, Revised Statutes Cumulative Supplement,  
4 2016, is amended to read:

5 68-901 Sections 68-901 to 68-976 and sections 2 to 13 of this act  
6 shall be known and may be cited as the Medical Assistance Act.

7 Sec. 2. Sections 2 to 13 of this act shall be known and may be  
8 cited as the Ground Emergency Medical Transport Act.

9 Sec. 3. For purposes of the Ground Emergency Medical Transport Act:

10 (1) Advanced life support means special services designed to provide  
11 definitive prehospital emergency medical care, including, but not limited  
12 to, cardiopulmonary resuscitation, cardiac monitoring, cardiac  
13 defibrillation, advanced airway management, intravenous therapy,  
14 administration with drugs and other medicinal preparations, and other  
15 specified techniques and procedures;

16 (2) Basic life support means emergency first aid and cardiopulmonary  
17 resuscitation procedures to maintain life without invasive techniques;

18 (3) Dry run means ground emergency medical transport services  
19 provided by an eligible ground emergency medical transport services  
20 provider to an individual who is released on the scene without  
21 transportation by ambulance to a medical facility;

22 (4) Ground emergency medical transport means the act of transporting  
23 an individual from any point of origin to the nearest medical facility  
24 capable of meeting the emergency medical needs of the patient, including  
25 dry runs;

26 (5) Ground emergency medical transport services means advanced life  
27 support, limited advanced life support, and basic life support services  
1 provided to an individual by ground emergency medical transport services  
2 providers before or during ground emergency medical transport;

3 (6) Limited advanced life support means special services to provide  
4 prehospital emergency medical care limited to techniques and procedures  
5 that exceed basic life support but are less than advanced life support  
6 services; and

7 (7) Medical transport means transportation to secure medical  
8 examinations and treatment for an individual.  
9 Sec. 4. It is the intent of the Legislature that no General Funds  
10 be used in carrying out the Ground Emergency Medical Transport Act.  
11 Sec. 5. An eligible provider as described in section 6 of this act  
12 shall, in addition to the rate of payment that the provider would  
13 otherwise receive for medicaid ground emergency medical transport  
14 services, receive supplemental reimbursement pursuant to the Ground  
15 Emergency Medical Transport Act.  
16 Sec. 6. Participation in the supplemental reimbursement program by  
17 an eligible provider is voluntary. A provider is eligible for  
18 supplemental reimbursement only if the provider has all of the following  
19 characteristics continuously during a fiscal year of the state:  
20 (1) Provides ground emergency medical transport services to medicaid  
21 beneficiaries;  
22 (2) Is enrolled as a medicaid provider for the period being claimed;  
23 (3) Is owned or operated by the state or a city, county, rural or  
24 suburban fire protection district, hospital district, federally  
25 recognized Indian tribe, or another unit of government; and  
26 (4) Participates in the intergovernmental transfer program created  
27 pursuant to section 8 of this act.  
28 Sec. 7. (1) An eligible provider's supplemental reimbursement  
29 pursuant to the Ground Emergency Medical Transport Act shall be  
30 calculated and paid as follows:  
31 (a) The supplemental reimbursement shall equal the amount of federal  
1 financial participation received as a result of the claims submitted  
2 pursuant to the act; and  
3 (b) In no instance may the amount certified pursuant to section 10  
4 of this act, when combined with the amount received from all other  
5 sources of reimbursement from the medical assistance program, exceed one  
6 hundred percent of actual costs, as determined pursuant to the medicaid  
7 state plan, for ground emergency medical transport services.  
8 (2) The supplemental reimbursement shall be distributed exclusively  
9 to eligible providers under a payment method based on ground emergency  
10 medical transport services provided to medicaid beneficiaries by eligible  
11 providers on a per-transport basis or other federally permissible basis.  
12 Sec. 8. (1) The department shall design and implement, in  
13 consultation with eligible providers as described in section 6 of this  
14 act, an intergovernmental transfer program relating to medicaid managed  
15 care ground emergency medical transport services, including services  
16 provided by emergency medical technicians at the basic, advanced, and  
17 paramedic levels in prestabilization and preparation for transport, in  
18 order to increase capitation payments for the purpose of increasing  
19 reimbursement to eligible providers.  
20 (2)(a) To the extent intergovernmental transfers are voluntarily  
21 made by, and accepted from, an eligible provider described in section 6  
22 of this act or a governmental entity affiliated with an eligible  
23 provider, the department shall make increased capitation payments to  
24 applicable medicaid managed care plans.



25 (b) The increased capitation payments made pursuant to this section  
26 shall be in actuarially determined amounts at least to the extent  
27 permissible under federal law.

28 (c) Except as provided in subsection (6) of this section, all funds  
29 associated with intergovernmental transfers made and accepted pursuant to  
30 this section shall be used to fund additional payments to medicaid  
31 managed care plans.

1 (d) Medicaid managed care plans shall enter into contracts or  
2 contract amendments with providers for the disbursement of any amount of  
3 increased capitation payments made pursuant to this section.

4 (3) The intergovernmental transfer program developed pursuant to  
5 this section shall be implemented on the date federal approval is  
6 obtained and only to the extent intergovernmental transfers from the  
7 eligible provider or the governmental entity with which it is affiliated  
8 are provided for this purpose.

9 (4) To the extent permitted by federal law, the department may  
10 implement the intergovernmental transfer program and increased capitation  
11 payments pursuant to this section retroactive to the date that the state  
12 plan amendment is submitted to the Centers for Medicare and Medicaid  
13 Services of the United States Department of Health and Human Services  
14 pursuant to section 11 of this act.

15 (5) Participation in intergovernmental transfers under this section  
16 is voluntary on the part of the transferring entities for purposes of all  
17 applicable federal laws.

18 (6)(a) As a condition of participation under this section, each  
19 eligible provider or the governmental entity affiliated with an eligible  
20 provider shall agree to reimburse the department for any costs associated  
21 with implementing such program.

22 (b) Intergovernmental transfers described in this section are  
23 subject to a twenty percent administration fee of the nonfederal share  
24 paid to the department and are allowed to count as a cost of providing  
25 the services.

26 (7) As a condition of participation under this section, medicaid  
27 managed care plans, eligible providers, and governmental entities  
28 affiliated with eligible providers shall agree to comply with any  
29 requests for information or similar data requirements imposed by the  
30 department for purposes of obtaining supporting documentation necessary  
31 to claim federal funds or to obtain federal approval.

1 Sec. 9. (1) An eligible provider, as a condition of receiving  
2 supplemental reimbursement, shall enter into and maintain an agreement  
3 with the department for purposes of implementing the Ground Emergency  
4 Medical Transport Act and reimbursing the department for the costs of  
5 administering the act.

6 (2) The nonfederal share of the supplemental reimbursement submitted  
7 to the federal Centers for Medicare and Medicaid Services for purposes of  
8 claiming federal financial participation shall be paid only with funds  
9 from the governmental entities described in subdivision (3) of section 6  
10 of this act and certified to the department as provided in section 10 of  
11 this act.

12 Sec. 10. If a governmental entity elects to seek supplemental  
13 reimbursement pursuant to the Ground Emergency Medical Transport Act on  
14 behalf of an eligible provider owned or operated by the entity, the  
15 governmental entity shall:

16 (1) Certify, in conformity with the requirements of 42 C.F.R.  
17 433.51, that the claimed expenditures for ground emergency medical  
18 transport services are eligible for federal financial participation;

19 (2) Provide evidence supporting the certification as specified by  
20 the department;

21 (3) Submit data as specified by the department to determine the  
22 appropriate amounts to claim as expenditures qualifying for federal  
23 financial participation; and

24 (4) Keep, maintain, and have readily retrievable any records  
25 specified by the department to fully disclose reimbursement amounts to  
26 which the eligible provider is entitled and any other records required by  
27 the federal Centers for Medicare and Medicaid Services.

28 Sec. 11. (1) On or before January 1, 2018, the department shall  
29 submit an application to the Centers for Medicare and Medicaid Services  
30 of the United States Department of Health and Human Services amending the  
31 medicaid state plan to provide for the supplemental reimbursement rate  
1 for ground emergency medical transport services as specified in the  
2 Ground Emergency Medical Transport Act.

3 (2) The department may limit the program to those costs that are  
4 allowable expenditures under Title XIX of the federal Social Security  
5 Act, 42 U.S.C. 1396 et seq., as such act and sections existed on April 1,  
6 2017. Without such federal approval, the Ground Emergency Medical  
7 Transport Act may not be implemented.

8 (3) The intergovernmental transfer program authorized in section 8  
9 of this act shall be implemented only if and to the extent federal  
10 financial participation is available and is not otherwise jeopardized and  
11 any necessary federal approval has been obtained.

12 (4) To the extent that the chief executive officer of the department  
13 determines that the payments made pursuant to section 8 of this act do  
14 not comply with federal medicaid requirements, the chief executive  
15 officer may return or not accept an intergovernmental transfer and may  
16 adjust payments as necessary to comply with federal medicaid  
17 requirements.

18 Sec. 12. (1) The department shall submit claims for federal  
19 financial participation for the expenditures for the services described  
20 in section 11 of this act that are allowable expenditures under federal  
21 law.

22 (2) The department shall annually submit any necessary materials to  
23 the federal government to provide assurances that claims for federal  
24 financial participation will include only those expenditures that are  
25 allowable under federal law.

26 (3) If either a final judicial determination is made by any court of  
27 appellate jurisdiction or a final determination is made by the  
28 administrator of the federal Centers for Medicare and Medicaid Services  
29 that the supplemental reimbursement provided for in the act shall be made

30 to any provider not described in this section, the chief executive  
31 officer of the department shall execute a declaration stating that the  
1 determination has been made and such supplemental reimbursement becomes  
2 inoperative on the date of such determination.  
3 Sec. 13. To the extent federal approval is obtained, the increased  
4 capitation payments under section 8 of this act may commence for dates of  
5 service on or after January 1, 2018.  
6 Sec. 14. Original section 68-901, Revised Statutes Cumulative  
7 Supplement, 2016, is repealed.

**LEGISLATIVE BILL 596.** Placed on General File with amendment.  
AM621

1 1. On page 2, line 15, strike "high-performance".

(Signed) Merv Riepe, Chairperson

Revenue

**LEGISLATIVE BILL 640.** Placed on General File with amendment.  
AM752 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

April 6, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed  
to the State Board of Health:

Dr. Brian Brightman, 14000 Brush Creek Place, Roca, NE 68430

The aforementioned appointee is respectfully submitted for your  
consideration. Copies of the certificate and background information are  
included for your review.

(Signed) Sincerely,  
Pete Ricketts  
Governor

Enclosures

**COMMUNICATION(S)**

April 7, 2017

Mr. Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
P.O. Box 94604  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Please accept this letter of support and endorsement for a generous gifting offer from the Norfolk Veterans Home Heroes Park Foundation Inc. This gift will enable the addition of a World War II and Korean War Memorial to the Flag Plaza located in front of Norfolk Veterans Home. The memorials will serve as a place of remembrance, reflection and honor for all veterans. The addition of these memorials will further enhance the development of the Memorial Flag Plaza and serve as a constant reminder of the sacrifices our veterans have made to ensure our lasting freedom. The flag plaza is frequented by the members of the veteran's home and their families, and serves as a place for the communities of Northeast Nebraska to come together to express their support and appreciation for our veterans. The gift of the two memorials including materials and labor is valued at \$300,000.

This project will enhance the quality of life for the members of our home. There will be no significant maintenance issues that cannot be addressed by current facility staff and resources. Lastly, I would like to commend the members of the Foundation as well as all the people who have cared so much to work together to make an excellent facility even better.

I would ask that this request be referred to the appropriate committee of the Legislature for consideration.

Sincerely,  
(Signed) John Hilgert, Director  
Division of Veterans' Homes

**GENERAL FILE**

**LEGISLATIVE RESOLUTION 6.** Read. Considered.

Senator Halloran offered his amendment, AM758, found on page 867.

Senator Chambers offered the following motion:  
MO74  
Bracket until June 2, 2017.

Senator Chambers withdrew his motion to bracket.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 427.** Placed on Select File with amendment.

ER50

1 1. On page 1, line 1, strike "civil rights" and insert "parenting";  
2 in line 2 after the semicolon insert "to state findings; to provide  
3 duties for school districts and the State Department of Education  
4 relating to policies for pregnant and parenting students; to provide for  
5 training,".

**LEGISLATIVE BILL 647.** Placed on Select File.**LEGISLATIVE BILL 647A.** Placed on Select File.**LEGISLATIVE BILL 152.** Placed on Select File with amendment.

ER51

1 1. On page 1, line 4, strike "fess" and insert "fees"; and in line 5  
2 after the semicolon insert "to harmonize provisions;".

**LEGISLATIVE BILL 300.** Placed on Select File with amendment.

ER52

1 1. On page 1, line 2, strike "eliminate" and insert "change"; and in  
2 line 3 after the semicolon insert "to provide for severability;".

**LEGISLATIVE BILL 346.** Placed on Select File.**LEGISLATIVE BILL 323.** Placed on Select File.**LEGISLATIVE BILL 257.** Placed on Select File with amendment.

ER53

1 1. On page 1, strike beginning with "the" in line 1 through  
2 "section" in line 4 and insert "civil procedure; to define a term; to  
3 provide for a statute of limitations for claims relating to real estate  
4 brokerage services as prescribed; and provide a duty for the Revisor of  
5 Statutes".

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 34.** Placed on Final Reading.**LEGISLATIVE BILL 35.** Placed on Final Reading.**LEGISLATIVE BILL 122.** Placed on Final Reading.**LEGISLATIVE BILL 151.** Placed on Final Reading.

ST11

The following changes, required to be reported for publication in the  
Journal, have been made:

1. In the E&R amendments, ER31, on page 1, the matter beginning with "certain" in line 7 through "to" in line 8 has been struck and "provisions relating to notice requirements for certain hearings and meetings; to change procedures and" inserted; and in line 12 "require descriptions of corrective action, provide for liability for fees and interest," has been inserted after the comma.

**LEGISLATIVE BILL 166.** Placed on Final Reading.

**LEGISLATIVE BILL 222.** Placed on Final Reading.

ST9

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 10, "and" has been inserted after the last semicolon; and in lines 11 and 12 "; and to declare an emergency" has been struck.

**LEGISLATIVE BILL 432.** Placed on Final Reading.

**LEGISLATIVE BILL 639.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 93.** Introduced by Hilkemann, 4; Kolowski, 31; McCollister, 20; Riepe, 12.

WHEREAS, the West in the Groove show choir from Millard West High School traveled to Nashville, Tennessee, to compete in the 2017 Heart of America show choir competition; and

WHEREAS, the West in the Groove show choir was named the Grand Champion of the Championship Division at the 2017 Heart of America competition; and

WHEREAS, the fifty performers in the West in the Groove show choir, sixteen members of the show band, and fifteen crew members balance a variety of extracurricular activities in addition to their school work and show choir responsibilities; and

WHEREAS, the West in the Groove show choir performed under the direction of Directors Zack Bjornsen and Thomas Young with the assistance of Jordan Newhouse; 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 members of the West in the Groove show choir from Millard West High School for their outstanding performance and for being named the Grand Champion at the 2017 Heart of America competition in Nashville.

2. That a copy of this resolution be sent to the West in the Groove show choir, Directors Zack Bjornsen and Thomas Young, and assistant Jordan Newhouse.

Laid over.

### COMMUNICATION(S)

April 7, 2017

Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. Clerk:

As Chairperson of the Special Committee regarding the Election Challenge to the Qualification of Senator Ernie Chambers filed by Mr. John Sciara, I hereby notify you that the following motion was unanimously adopted by the Special Committee today, April 7, 2017.

*The Special Committee recommends to the full Legislature that the petition filed by Mr. John Sciara challenging the qualifications of Senator Chambers be dismissed.*

As required by Rule 10 of the Rules of the Nebraska Unicameral, a report will be filed with the Legislature by the Special Committee later this week.

Sincerely,  
(Signed) Senator Dan Watermeier  
Chairman, Special Committee

### COMMITTEE REPORT(S)

Nebraska Retirement Systems

**LEGISLATIVE BILL 415.** Placed on General File with amendment. AM923 is available in the Bill Room.

(Signed) Mark Kolterman, Chairperson

### UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Smith name added to LB253.

**VISITOR(S)**

Visitors to the Chamber were 14 German exchange high school students and teachers from Omaha North High School.

**RECESS**

At 11:56 a.m., on a motion by Senator Briese, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Howard, Larson, Stinner, and Watermeier who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 248.** Senator Harr renewed his amendment, AM936, found on page 944, to the committee amendment.

Senator Howard moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Senator Harr moved for a call of the house. The motion prevailed with 34 ayes, 5 nays, and 10 not voting.

Senator Harr requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Baker	Ebke	Kolowski	Pansing Brooks	Walz
Blood	Hansen	Krist	Quick	Wayne
Bolz	Harr	McCollister	Scheer	Williams
Chambers	Hilkemann	McDonnell	Schumacher	Wishart
Crawford	Howard	Morfeld	Vargas	

Voting in the negative, 20:

Albrecht	Clements	Geist	Hughes	Linehan
Bostelman	Craighead	Groene	Kolterman	Lowe
Brasch	Erdman	Halloran	Kuehn	Riepe
Brewer	Friesen	Hilgers	Larson	Watermeier

Present and not voting, 4:



Briese Lindstrom Murante Smith

Excused and not voting, 1:

Stinner

The Harr amendment lost with 24 ayes, 20 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

### SELECT FILE

**LEGISLATIVE BILL 641A.** Considered.

### SPEAKER SCHEER PRESIDING

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 180.** ER43, found on page 886, was adopted.

Senator Bolz offered the following amendment:

AM866

(Amendments to E and R amendments, ER43)

1 1. On page 2, line 12, after "parent" insert "or guardian ad litem".

The Bolz amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 180A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 267.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 137.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 317.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 444.** ER36, found on page 867, was adopted.

Senator Erdman offered the following amendment:

AM982

(Amendments to Standing Committee amendments, AM467)

- 1 1. On page 1, line 11, after the period insert "The State of
- 2 Nebraska shall reimburse cities and counties for the costs of providing
- 3 individual or family health insurance for first responders.".

Senator Erdman withdrew his amendment.

Senator Bolz offered the following amendment:

AM842

(Amendments to Standing Committee amendments, AM467)

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 48-101.01, Revised Statutes Cumulative Supplement,
- 3 2016, is amended to read:
- 4 48-101.01 (1) Personal injury includes mental injuries and mental
- 5 illness unaccompanied by physical injury for an employee who is a first
- 6 responder or frontline state employee if such first responder or
- 7 frontline state employee:
- 8 (a) Establishes, by a preponderance of the evidence, that the
- 9 employee's employment conditions causing the mental injury or mental
- 10 illness were extraordinary and unusual in comparison to the normal
- 11 conditions of the particular employment; and
- 12 (b) Establishes, by a preponderance of the evidence, the medical
- 13 causation between the mental injury or mental illness and the employment
- 14 conditions by medical evidence.
- 15 (2) For purposes of this section, mental injuries and mental illness
- 16 arising out of and in the course of employment unaccompanied by physical
- 17 injury are not considered compensable if they result from any event or
- 18 series of events which are incidental to normal employer and employee
- 19 relations, including, but not limited to, personnel actions by the
- 20 employer such as disciplinary actions, work evaluations, transfers,
- 21 promotions, demotions, salary reviews, or terminations.
- 22 (3) For purposes of this section: ~~first~~
- 23 (a) First responder means a sheriff, a deputy sheriff, a police
- 24 officer, an officer of the Nebraska State Patrol, a volunteer or paid
- 25 firefighter, or a volunteer or paid individual licensed under a licensure
- 26 classification in subdivision (1) of section 38-1217 who provides medical
- 1 care in order to prevent loss of life or aggravation of physiological or
- 2 psychological illness or injury; -
- 3 (b) Frontline state employee means an employee of the Department of
- 4 Correctional Services or the Department of Health and Human Services
- 5 whose duties involve regular and direct interaction with high-risk
- 6 individuals;
- 7 (c) High-risk individual means an individual in state custody for
- 8 whom violent or physically intimidating behavior is common, including,
- 9 but not limited to, a committed offender as defined in section 83-170, a

10 patient at a regional center as defined in section 71-911, and a juvenile  
 11 committed to the Youth Rehabilitation and Treatment Center-Kearney or the  
 12 Youth Rehabilitation and Treatment Center-Geneva; and  
 13 (d) State custody means under the charge or control of a state  
 14 institution or state agency and includes time spent outside of the state  
 15 institution or state agency.  
 16 Sec. 3. Original section 48-101.01, Revised Statutes Cumulative  
 17 Supplement, 2016, is repealed.

**PRESIDENT FOLEY PRESIDING**

**SPEAKER SCHEER PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Senator Williams moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Bolz amendment was adopted with 26 ayes, 3 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 535.** ER42, found on page 883, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 91.** Senator Hilkemann offered his amendment, AM858, found on page 911.

The Hilkemann amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 417.** ER45, found on page 935, was adopted.

Senator Riepe offered the following amendment:  
 AM977

(Amendments to E&R amendments, ER45)

1 1. Insert the following new section:  
 2 Sec. 6. Section 43-4406, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 43-4406 On or before September 15, 2012, and each September 15  
 5 thereafter, the department shall report electronically to the Health and  
 6 Human Services Committee of the Legislature the following information  
 7 regarding child welfare services, with respect to children served by any  
 8 lead agency or the pilot project and children served by the department:

- 9 (1) The percentage of children served and the allocation of the  
10 child welfare budget, categorized by service area and by lead agency or  
11 the pilot project, including:
- 12 (a) The percentage of children served, by service area and the  
13 corresponding budget allocation; and  
14 (b) The percentage of children served who are wards of the state and  
15 the corresponding budget allocation;
- 16 (2) The number of siblings in out-of-home care placed with siblings  
17 as of the June 30th immediately preceding the date of the report,  
18 categorized by service area and by lead agency or the pilot project;
- 19 (3) The number of waivers granted under subsection (2) of section  
20 71-1904;
- 21 ~~(4) (3)~~ An update of the information in the report of the Children's  
22 Behavioral Health Task Force pursuant to sections 43-4001 to 43-4003,  
23 including:
- 24 (a) The number of children receiving mental health and substance  
25 abuse services annually by the Division of Behavioral Health of the  
26 department;
- 1 (b) The number of children receiving behavioral health services  
2 annually at the Hastings Regional Center;
- 3 (c) The number of state wards receiving behavioral health services  
4 as of September 1 immediately preceding the date of the report;
- 5 (d) Funding sources for children's behavioral health services for  
6 the fiscal year ending on the immediately preceding June 30;
- 7 (e) Expenditures in the immediately preceding fiscal year by the  
8 division, categorized by category of behavioral health service and by  
9 behavioral health region; and
- 10 (f) Expenditures in the immediately preceding fiscal year from the  
11 medical assistance program and CHIP as defined in section 68-969 for  
12 mental health and substance abuse services, for all children and for  
13 wards of the state;
- 14 (5) (4) The following information as obtained for each service area  
15 and lead agency or the pilot project:
- 16 (a) Case manager education, including college degree, major, and  
17 level of education beyond a baccalaureate degree;
- 18 (b) Average caseload per case manager;
- 19 (c) Average number of case managers per child during the preceding  
20 twelve months;
- 21 (d) Average number of case managers per child for children who have  
22 been in the child welfare system for three months, for six months, for  
23 twelve months, and for eighteen months and the consecutive yearly average  
24 for children until the age of majority or permanency is attained;
- 25 (e) Monthly case manager turnover;
- 26 (f) Monthly face-to-face contacts between each case manager and the  
27 children on his or her caseload;
- 28 (g) Monthly face-to-face contacts between each case manager and the  
29 parent or parents of the children on his or her caseload;
- 30 (h) Case documentation of monthly consecutive team meetings per  
31 quarter;
- 1 (i) Case documentation of monthly consecutive parent contacts per  
2 quarter;

- 3 (j) Case documentation of monthly consecutive child contacts with  
 4 case manager per quarter;
- 5 (k) Case documentation of monthly consecutive contacts between child  
 6 welfare service providers and case managers per quarter;
- 7 (l) Timeliness of court reports; and
- 8 (m) Non-court-involved children, including the number of children  
 9 served, the types of services requested, the specific services provided,  
 10 the cost of the services provided, and the funding source;
- 11 ~~(6) (5)~~ All placements in residential treatment settings made or  
 12 paid for by the child welfare system, the Office of Juvenile Services,  
 13 the State Department of Education or local education agencies, any lead  
 14 agency or the pilot project through letters of agreement, and the medical  
 15 assistance program, including, but not limited to:
- 16 (a) Child variables;
- 17 (b) Reasons for placement;
- 18 (c) The percentage of children denied medicaid-reimbursed services  
 19 and denied the level of placement requested;
- 20 (d) With respect to each child in a residential treatment setting:
- 21 (i) If there was a denial of initial placement request, the length  
 22 and level of each placement subsequent to denial of initial placement  
 23 request and the status of each child before and immediately after, six  
 24 months after, and twelve months after placement;
- 25 (ii) Funds expended and length of placements;
- 26 (iii) Number and level of placements;
- 27 (iv) Facility variables; and
- 28 (v) Identification of specific child welfare services unavailable in  
 29 the child's community that, if available, could have prevented the need  
 30 for residential treatment; and
- 31 (e) Identification of child welfare services unavailable in the  
 1 state that, if available, could prevent out-of-state placements;
- 2 ~~(7) (6)~~ From any lead agency or the pilot project, the percentage of  
 3 its accounts payable to subcontracted child welfare service providers  
 4 that are thirty days overdue, sixty days overdue, and ninety days  
 5 overdue; and
- 6 ~~(8) (7)~~ For any individual involved in the child welfare system  
 7 receiving a service or a placement through the department or its agent  
 8 for which referral is necessary, the date when such referral was made by  
 9 the department or its agent and the date and the method by which the  
 10 individual receiving the services was notified of such referral. To the  
 11 extent the department becomes aware of the date when the individual  
 12 receiving the referral began receiving such services, the department or  
 13 its agent shall document such date.
- 14 2. On page 21, line 17, after the last comma insert "43-4406,".
- 15 3. Renumber the remaining sections accordingly.

The Riepe amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 376.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 75.** Advanced to Enrollment and Review for Engrossment with 32 ayes, 8 nays, 7 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 263.** ER41, found on page 866, was adopted.

Senator Smith offered his amendment, AM777, found on page 851.

The Smith amendment was adopted with 31 ayes, 6 nays, 10 present and not voting, and 2 excused and not voting.

Pending.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 94.** Introduced by Craighead, 6; Blood, 3; Chambers, 11; Clements, 2; Crawford, 45; Harr, 8; Hilkemann, 4; Howard, 9; Kolowski, 31; Krist, 10; Lindstrom, 18; Linehan, 39; McCollister, 20; McDonnell, 5; Murante, 49; Riepe, 12; Scheer, 19; Smith, 14; Vargas, 7; Wayne, 13.

WHEREAS, Kevin Andahl began his career as a police officer with the Omaha Police Department on October 2, 1989. He came to the City of Omaha after receiving an honorable discharge from the United States Air Force where he served on the Military Police Force; and

WHEREAS, Officer Andahl graduated from the Omaha Police Academy in March of 1990 and served the Omaha Police Department in many capacities throughout his career, including the Uniform Patrol Unit, Gang Unit, Warrants Unit, Information Services, and Community Revitalization Patrol; and

WHEREAS, Officer Andahl proudly dedicated his life to serving and helping others as a valued member of his department. He was dependable and always willing to assist and listen; and

WHEREAS, Officer Andahl had love and support from his family including his wife Michelle and sons Tyler, Garret, William, and Andrew, along with daily love and prayers for his safety by his parents Patricia and Robert Andahl, brothers and sisters, and many more family and friends; and

WHEREAS, Officer Andahl's last day in service is May 20th, 2017, and upon his final End of Tour radio call, Officer Andahl will be officially retired from the Omaha Police Department after more than 27 years of service.

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

1. That the State of Nebraska expresses its gratitude and appreciation to Officer Kevin Andahl for his many years of enthusiastic and conscientious service and his passionate dedication and loyalty to the police profession, the Omaha Police Department, the City of Omaha, and all Nebraskans.
2. That a copy of this resolution be delivered to Officer Kevin Andahl.

Laid over.

**LEGISLATIVE RESOLUTION 95.** Introduced by Craighead, 6.

WHEREAS, the Honor and Remember Flag was conceived as a universal symbol that specifically acknowledges the American service men and women who never made it home; and

WHEREAS, the red field on the flag represents the blood shed by brave men and women who have sacrificed their lives for freedom, and the white border recognizes the purity of that sacrifice; and

WHEREAS, the blue star on the flag is a symbol of active service in military conflict that dates back to World War I, and the gold star signifies the ultimate sacrifice of a warrior in active service who is not returning home and reflects the value of the life given; and

WHEREAS, the flame on the flag symbolizes the eternal spirit of the departed, and the folded American flag highlights the final tribute of this nation to a fallen service member and a family's sacrifice.

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

1. That the Honor and Remember Flag is hereby adopted as an official symbol of the State of Nebraska representing the state's commitment to honoring and remembering the lives of all members of the armed forces of the United States who have lost their lives while serving or as a result of their service.
2. That the Honor and Remember Flag may be displayed on any day, including the following:
  - (1) Armed Forces Day, the third Saturday in May;
  - (2) Memorial Day, the last Monday in May;
  - (3) Gold Star Mother's Day, the last Sunday in September;
  - (4) Veterans Day, November 11; and
  - (5) Any other date on which a resident of this state dies while serving on active duty in the armed forces of the United States.

Laid over.

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR95 was referred to the Reference Committee.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 96.** Introduced by Bostelman, 23.

WHEREAS, on March 23, 2017, at the University of Nebraska at Kearney, the David City High School speech team won the 2017 Class C-1 State Speech Championship; and

WHEREAS, Bethany Tebbe, Sarah Wolfenden, Brooke Bell, Iris Prochaska, and Evan Forney won the championship in Oral Interpretation of Drama; and

WHEREAS, Jackson Hardin was an individual champion in Poetry; and

WHEREAS, Bethany Tebbe was an individual champion in Informative Speaking; and

WHEREAS, Laurel Ockander was an individual champion in Persuasive Speaking; and

WHEREAS, Will Heller and Jackson Hardin won the championship in Duet Speaking; and

WHEREAS, Coach Jarod Ockander and the Scouts Speech Team have won consecutive state championships the last two years and seven state championships since 2006; 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 David City High School speech team and Coach Jarod Ockander for their championship awards and successful season.

2. That copies of this resolution be sent to Coach Jarod Ockander and the David City High School speech team.

Laid over.

**LEGISLATIVE RESOLUTION 97.** Introduced by Kuehn, 38.

WHEREAS, Nebraska's electricity is generated by power plants connected to a complex electrical grid consisting of over 6,000 miles of transmission lines and 100,000 miles of subtransmission and distribution lines that deliver energy to homes, businesses, hospitals, churches, and schools throughout our state; and

WHEREAS, the electrical grid must be maintained and operated twenty-four hours a day, seven days a week, and three hundred sixty-five days a year despite inclement weather, including blizzards, thunderstorms, floods, and other hazards; and

WHEREAS, Nebraska's 1,350 lineworkers have demonstrated outstanding skill and dedication to their jobs by working in hazardous conditions to build, maintain, and repair our electricity infrastructure; and



WHEREAS, the hardworking lineworkers of Nebraska who leave their families and risk their lives daily to ensure the reliable delivery of electricity to all citizens of the state are deserving of our respect, gratitude, and honor.

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

1. That the Legislature recognizes the significant contributions and efforts of Nebraska lineworkers who often work in challenging conditions to keep the lights on and expresses its appreciation to all of Nebraska's hardworking lineworkers.

2. That the Legislature designates April 10, 2017, as Lineworker Appreciation Day in Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 98.** Introduced by Wayne, 13; Linehan, 39; McDonnell, 5; Vargas, 7; Wishart, 27.

WHEREAS, on February 27, 2014, the My Brother's Keeper initiative was launched to address persistent opportunity gaps faced by boys and young men of color nationwide; and

WHEREAS, the initiative is a call to action and targeted effort to convene local leaders, identify effective strategies, and work together to accomplish a shared goal of improving life outcomes for young people in our communities; and

WHEREAS, through the initiative and the My Brother's Keeper Community Challenge, local governments, businesses, non-profits, and foundations are taking important steps to connect young people to mentoring and support networks and to promote the skills necessary to find a good job or go to college and work into the middle-class; and

WHEREAS, the initiative encourages cities, counties, rural areas, and tribal communities to implement a coherent cradle-to-college-and-career strategy for improving the life outcomes of all young people, focusing especially on achieving six universal milestones for success; and

WHEREAS, these six universal milestones include:

(1) Entering school ready to learn: All school-aged children should have a healthy start and enter school cognitively, physically, socially, and emotionally prepared to learn;

(2) Reading at grade level by third grade: All children should be reading at grade level by age 8, the age at which reading is solidified as a truly essential, and foundational component of ongoing learning;

(3) Graduating from high school ready for college and career: All young adults should have the option to attend postsecondary education equipped with skills for continued success;

(4) Completing post-secondary education or training: All young adults should receive the education and training needed for quality jobs of today and tomorrow;

(5) Successfully entering the workforce: All individuals who want a job should be able to secure and sustain employment that allows them to support themselves and their families; and

(6) Reducing violence and providing a second chance: All children should be safe from violent crime. Individuals who are confined should receive the education, training, and treatment they need for a second chance; and

WHEREAS, data has shown that boys and young men of color, regardless of socioeconomic background, are disproportionately at risk throughout their journey from birth to college and into a career; and

WHEREAS, the percentage of residents who are people of color is expected to continue increasing into the future; and

WHEREAS, the overall goals of the initiative are consistent with state goals of growing economic prosperity in our communities, addressing concentrated areas of economic poverty, reducing crime, and responding proactively to our changing demographics, which can also provide the state with an opportunity to make our diversity into our strength.

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

1. That the Legislature hereby supports the call to action of the My Brother's Keeper Initiative and Community Challenge and recognizes the importance of the initiative milestones by adding the State of Nebraska to the list of nearly 200 cities, counties, and tribes already supporting the initiative across the country.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR98 was referred to the Reference Committee.

#### **AMENDMENT(S) - Print in Journal**

Senator Briese filed the following amendment to LB512:  
AM970

(Amendments to Standing Committee amendments, AM724)

1 1. Strike sections 6 and 14 and insert the following new sections:

2 Sec. 6. Section 77-3442, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4 77-3442 (1) Property tax levies for the support of local governments  
5 for fiscal years beginning on or after July 1, 1998, shall be limited to  
6 the amounts set forth in this section except as provided in section  
7 77-3444.

8 (2)(a) Except as provided in subdivisions (2)(b) and (2)(e) of this  
9 section, school districts and multiple-district school systems may levy a  
10 maximum levy of one dollar and five cents per one hundred dollars of  
11 taxable valuation of property subject to the levy.

12 (b) For each fiscal year prior to fiscal year 2017-18, learning

13 communities may levy a maximum levy for the general fund budgets of  
14 member school districts of ninety-five cents per one hundred dollars of  
15 taxable valuation of property subject to the levy. The proceeds from the  
16 levy pursuant to this subdivision shall be distributed pursuant to  
17 section 79-1073.

18 (c) Except as provided in subdivision (2)(e) of this section, for  
19 each fiscal year prior to fiscal year 2017-18, school districts that are  
20 members of learning communities may levy for purposes of such districts'  
21 general fund budget and special building funds a maximum combined levy of  
22 the difference of one dollar and five cents on each one hundred dollars  
23 of taxable property subject to the levy minus the learning community levy  
24 pursuant to subdivision (2)(b) of this section for such learning  
25 community.

26 (d) Excluded from the limitations in subdivisions (2)(a) and (2)(c)  
1 of this section are (i) amounts levied to pay for sums agreed to be paid  
2 by a school district to certificated employees in exchange for a  
3 voluntary termination of employment occurring prior to September 1, 2017,  
4 (ii) amounts levied for fiscal year 2018-19 to pay for seventy-five  
5 percent of sums agreed to be paid by a school district to certificated  
6 employees in exchange for a voluntary termination of employment occurring  
7 on or after September 1, 2017, (iii) amounts levied for fiscal year  
8 2019-20 to pay for fifty percent of sums agreed to be paid by a school  
9 district to certificated employees in exchange for a voluntary  
10 termination of employment occurring on or after September 1, 2017, (iv)  
11 amounts levied for fiscal year 2020-21 to pay for twenty-five percent of  
12 sums agreed to be paid by a school district to certificated employees in  
13 exchange for a voluntary termination of employment occurring on or after  
14 September 1, 2017, (v) amounts levied in compliance with sections  
15 79-10,110 and 79-10,110.02, and (vi) amounts levied to pay for special  
16 building funds and sinking funds established for projects commenced prior  
17 to April 1, 1996, for construction, expansion, or alteration of school  
18 district buildings. For purposes of this subsection, commenced means any  
19 action taken by the school board on the record which commits the board to  
20 expend district funds in planning, constructing, or carrying out the  
21 project.

22 (e) Federal aid school districts may exceed the maximum levy  
23 prescribed by subdivision (2)(a) or (2)(c) of this section only to the  
24 extent necessary to qualify to receive federal aid pursuant to Title VIII  
25 of Public Law 103-382, as such title existed on September 1, 2001. For  
26 purposes of this subdivision, federal aid school district means any  
27 school district which receives ten percent or more of the revenue for its  
28 general fund budget from federal government sources pursuant to Title  
29 VIII of Public Law 103-382, as such title existed on September 1, 2001.

30 (f) For each fiscal year, learning communities may levy a maximum  
31 levy of one-half cent on each one hundred dollars of taxable property  
1 subject to the levy for elementary learning center facility leases, for  
2 remodeling of leased elementary learning center facilities, and for up to  
3 fifty percent of the estimated cost for focus school or program capital  
4 projects approved by the learning community coordinating council pursuant

5 to section 79-2111.

6 (g) For each fiscal year, learning communities may levy a maximum  
7 levy of one and one-half cents on each one hundred dollars of taxable  
8 property subject to the levy for early childhood education programs for  
9 children in poverty, for elementary learning center employees, for  
10 contracts with other entities or individuals who are not employees of the  
11 learning community for elementary learning center programs and services,  
12 and for pilot projects, except that no more than ten percent of such levy  
13 may be used for elementary learning center employees.

14 (3) For each fiscal year, community college areas may levy the  
15 levies provided in subdivisions (2)(a) through (c) of section 85-1517, in  
16 accordance with the provisions of such subdivisions. A community college  
17 area may exceed the levy provided in subdivision (2)(b) of section  
18 85-1517 by the amount necessary to retire general obligation bonds  
19 assumed by the community college area or issued pursuant to section  
20 85-1515 according to the terms of such bonds or for any obligation  
21 pursuant to section 85-1535 entered into prior to January 1, 1997.

22 (4)(a) Natural resources districts may levy a maximum levy of four  
23 and one-half cents per one hundred dollars of taxable valuation of  
24 property subject to the levy.

25 (b) Natural resources districts shall also have the power and  
26 authority to levy a tax equal to the dollar amount by which their  
27 restricted funds budgeted to administer and implement ground water  
28 management activities and integrated management activities under the  
29 Nebraska Ground Water Management and Protection Act exceed their  
30 restricted funds budgeted to administer and implement ground water  
31 management activities and integrated management activities for FY2003-04,  
1 not to exceed one cent on each one hundred dollars of taxable valuation  
2 annually on all of the taxable property within the district.

3 (c) In addition, natural resources districts located in a river  
4 basin, subbasin, or reach that has been determined to be fully  
5 appropriated pursuant to section 46-714 or designated as overappropriated  
6 pursuant to section 46-713 by the Department of Natural Resources shall  
7 also have the power and authority to levy a tax equal to the dollar  
8 amount by which their restricted funds budgeted to administer and  
9 implement ground water management activities and integrated management  
10 activities under the Nebraska Ground Water Management and Protection Act  
11 exceed their restricted funds budgeted to administer and implement ground  
12 water management activities and integrated management activities for  
13 FY2005-06, not to exceed three cents on each one hundred dollars of  
14 taxable valuation on all of the taxable property within the district for  
15 fiscal year 2006-07 and each fiscal year thereafter through fiscal year  
16 2017-18.

17 (5) Any educational service unit authorized to levy a property tax  
18 pursuant to section 79-1225 may levy a maximum levy of one and one-half  
19 cents per one hundred dollars of taxable valuation of property subject to  
20 the levy.

21 (6)(a) Incorporated cities and villages which are not within the  
22 boundaries of a municipal county may levy a maximum levy of forty-five

23 cents per one hundred dollars of taxable valuation of property subject to  
24 the levy plus an additional five cents per one hundred dollars of taxable  
25 valuation to provide financing for the municipality's share of revenue  
26 required under an agreement or agreements executed pursuant to the  
27 Interlocal Cooperation Act or the Joint Public Agency Act. The maximum  
28 levy shall include amounts levied to pay for sums to support a library  
29 pursuant to section 51-201, museum pursuant to section 51-501, visiting  
30 community nurse, home health nurse, or home health agency pursuant to  
31 section 71-1637, or statue, memorial, or monument pursuant to section  
1 80-202.

2 (b) Incorporated cities and villages which are within the boundaries  
3 of a municipal county may levy a maximum levy of ninety cents per one  
4 hundred dollars of taxable valuation of property subject to the levy. The  
5 maximum levy shall include amounts paid to a municipal county for county  
6 services, amounts levied to pay for sums to support a library pursuant to  
7 section 51-201, a museum pursuant to section 51-501, a visiting community  
8 nurse, home health nurse, or home health agency pursuant to section  
9 71-1637, or a statue, memorial, or monument pursuant to section 80-202.

10 (7) Sanitary and improvement districts which have been in existence  
11 for more than five years may levy a maximum levy of forty cents per one  
12 hundred dollars of taxable valuation of property subject to the levy, and  
13 sanitary and improvement districts which have been in existence for five  
14 years or less shall not have a maximum levy. Unconsolidated sanitary and  
15 improvement districts which have been in existence for more than five  
16 years and are located in a municipal county may levy a maximum of eighty-  
17 five cents per hundred dollars of taxable valuation of property subject  
18 to the levy.

19 (8) Counties may levy or authorize a maximum levy of fifty cents per  
20 one hundred dollars of taxable valuation of property subject to the levy,  
21 except that five cents per one hundred dollars of taxable valuation of  
22 property subject to the levy may only be levied to provide financing for  
23 the county's share of revenue required under an agreement or agreements  
24 executed pursuant to the Interlocal Cooperation Act or the Joint Public  
25 Agency Act. The maximum levy shall include amounts levied to pay for sums  
26 to support a library pursuant to section 51-201 or museum pursuant to  
27 section 51-501. The county may allocate up to fifteen cents of its  
28 authority to other political subdivisions subject to allocation of  
29 property tax authority under subsection (1) of section 77-3443 and not  
30 specifically covered in this section to levy taxes as authorized by law  
31 which do not collectively exceed fifteen cents per one hundred dollars of  
1 taxable valuation on any parcel or item of taxable property. The county  
2 may allocate to one or more other political subdivisions subject to  
3 allocation of property tax authority by the county under subsection (1)  
4 of section 77-3443 some or all of the county's five cents per one hundred  
5 dollars of valuation authorized for support of an agreement or agreements  
6 to be levied by the political subdivision for the purpose of supporting  
7 that political subdivision's share of revenue required under an agreement  
8 or agreements executed pursuant to the Interlocal Cooperation Act or the  
9 Joint Public Agency Act. If an allocation by a county would cause another

10 county to exceed its levy authority under this section, the second county  
11 may exceed the levy authority in order to levy the amount allocated.  
12 (9) Municipal counties may levy or authorize a maximum levy of one  
13 dollar per one hundred dollars of taxable valuation of property subject  
14 to the levy. The municipal county may allocate levy authority to any  
15 political subdivision or entity subject to allocation under section  
16 77-3443.

17 (10) Beginning July 1, 2016, rural and suburban fire protection  
18 districts may levy a maximum levy of ten and one-half cents per one  
19 hundred dollars of taxable valuation of property subject to the levy if  
20 (a) such district is located in a county that had a levy pursuant to  
21 subsection (8) of this section in the previous year of at least forty  
22 cents per one hundred dollars of taxable valuation of property subject to  
23 the levy or (b) for any rural or suburban fire protection district that  
24 had a levy request pursuant to section 77-3443 in the previous year, the  
25 county board of the county in which the greatest portion of the valuation  
26 of such district is located did not authorize any levy authority to such  
27 district in the previous year.

28 (11) Property tax levies (a) for judgments, except judgments or  
29 orders from the Commission of Industrial Relations, obtained against a  
30 political subdivision which require or obligate a political subdivision  
31 to pay such judgment, to the extent such judgment is not paid by  
1 liability insurance coverage of a political subdivision, (b) for  
2 preexisting lease-purchase contracts approved prior to July 1, 1998, (c)  
3 for bonds as defined in section 10-134 approved according to law and  
4 secured by a levy on property except as provided in section 44-4317 for  
5 bonded indebtedness issued by educational service units and school  
6 districts, and (d) for payments by a public airport to retire interest-  
7 free loans from the Department of Aeronautics in lieu of bonded  
8 indebtedness at a lower cost to the public airport are not included in  
9 the levy limits established by this section.

10 (12) The limitations on tax levies provided in this section are to  
11 include all other general or special levies provided by law.  
12 Notwithstanding other provisions of law, the only exceptions to the  
13 limits in this section are those provided by or authorized by sections  
14 77-3442 to 77-3444.

15 (13) Tax levies in excess of the limitations in this section shall  
16 be considered unauthorized levies under section 77-1606 unless approved  
17 under section 77-3444.

18 (14) For purposes of sections 77-3442 to 77-3444, political  
19 subdivision means a political subdivision of this state and a county  
20 agricultural society.

21 (15) For school districts that file a binding resolution on or  
22 before May 9, 2008, with the county assessors, county clerks, and county  
23 treasurers for all counties in which the school district has territory  
24 pursuant to subsection (7) of section 79-458, if the combined levies,  
25 except levies for bonded indebtedness approved by the voters of the  
26 school district and levies for the refinancing of such bonded  
27 indebtedness, are in excess of the greater of (a) one dollar and twenty

28 cents per one hundred dollars of taxable valuation of property subject to  
29 the levy or (b) the maximum levy authorized by a vote pursuant to section  
30 77-3444, all school district levies, except levies for bonded  
31 indebtedness approved by the voters of the school district and levies for  
1 the refinancing of such bonded indebtedness, shall be considered  
2 unauthorized levies under section 77-1606.  
3 Sec. 14. Section 79-1028.01, Revised Statutes Cumulative Supplement,  
4 2016, is amended to read:  
5 79-1028.01 (1) For each school fiscal year, a school district may  
6 exceed its budget authority for the general fund budget of expenditures  
7 as calculated pursuant to section 79-1023 for such school fiscal year by  
8 a specific dollar amount for the following exclusions:  
9 (a) Expenditures for repairs to infrastructure damaged by a natural  
10 disaster which is declared a disaster emergency pursuant to the Emergency  
11 Management Act;  
12 (b) Expenditures for judgments, except judgments or orders from the  
13 Commission of Industrial Relations, obtained against a school district  
14 which require or obligate a school district to pay such judgment, to the  
15 extent such judgment is not paid by liability insurance coverage of a  
16 school district;  
17 (c) Expenditures pursuant to the Retirement Incentive Plan  
18 authorized in section 79-855 or the Staff Development Assistance  
19 authorized in section 79-856;  
20 (d) Expenditures of amounts received from educational entities as  
21 defined in section 79-1201.01 for providing distance education courses  
22 through the Educational Service Unit Coordinating Council to such  
23 educational entities;  
24 (e) Expenditures to pay for employer contributions pursuant to  
25 subsection (2) of section 79-958 to the School Employees Retirement  
26 System of the State of Nebraska to the extent that such expenditures  
27 exceed the employer contributions under such subsection that would have  
28 been made at a contribution rate of seven and thirty-five hundredths  
29 percent;  
30 (f) Expenditures to pay for school district contributions pursuant  
31 to subdivision (1)(c)(i) of section 79-9,113 to the retirement system  
1 established pursuant to the Class V School Employees Retirement Act to  
2 the extent that such expenditures exceed the school district  
3 contributions under such subdivision that would have been made at a  
4 contribution rate of seven and thirty-seven hundredths percent;  
5 (g) Expenditures for sums agreed to be paid by a school district to  
6 certificated employees in exchange for a voluntary termination occurring  
7 prior to July 1, 2009, occurring on or after the last day of the 2010-11  
8 school year and prior to the first day of the 2013-14 school year, or, to  
9 the extent that a district demonstrates to the State Board of Education  
10 pursuant to subsection (3) of this section that the agreement will result  
11 in a net savings in salary and benefit costs to the school district over  
12 a five-year period, occurring on or after the first day of the 2013-14  
13 school year and prior to September 1, 2017;  
14 (h) For school fiscal year 2018-19, seventy-five percent of

15 expenditures to pay for sums agreed to be paid by a school district to  
 16 certificated employees in exchange for a voluntary termination of  
 17 employment occurring on or after September 1, 2017;  
 18 (i) For school fiscal year 2019-20, fifty percent of expenditures to  
 19 pay for sums agreed to be paid by a school district to certificated  
 20 employees in exchange for a voluntary termination of employment occurring  
 21 on or after September 1, 2017;  
 22 (j) For school fiscal year 2020-21, twenty-five percent of  
 23 expenditures to pay for sums agreed to be paid by a school district to  
 24 certificated employees in exchange for a voluntary termination of  
 25 employment occurring on or after September 1, 2017;  
 26 (k) ~~(h)~~ The special education budget of expenditures;  
 27 (l) ~~(i)~~ Expenditures of special grant funds; and  
 28 (m) ~~(j)~~ Expenditures of funds received as federal impact aid  
 29 pursuant to 20 U.S.C. 7701 to 7714, as such sections existed on January  
 30 1, 2016, due to a district having land within its boundaries that is  
 31 federal property classified as Indian lands under 20 U.S.C. 7713(7), as  
 1 such section existed on January 1, 2016, and funds received as impact aid  
 2 due to children in attendance who resided on Indian lands in accordance  
 3 with 20 U.S.C. 7703(a)(1)(C), as such section existed on January 1, 2016.  
 4 (2) For each school fiscal year, a school district may exceed its  
 5 budget authority for the general fund budget of expenditures as  
 6 calculated pursuant to section 79-1023 for such school fiscal year by a  
 7 specific dollar amount and include such dollar amount in the budget of  
 8 expenditures used to calculate budget authority for the general fund  
 9 budget of expenditures pursuant to section 79-1023 for future years for  
 10 the following exclusions:  
 11 (a) The first school fiscal year the district will be participating  
 12 in Network Nebraska for the full school fiscal year, for the difference  
 13 of the estimated expenditures for such school fiscal year for  
 14 telecommunications services, access to data transmission networks that  
 15 transmit data to and from the school district, and the transmission of  
 16 data on such networks as such expenditures are defined by the department  
 17 for purposes of the distance education and telecommunications allowance  
 18 minus the dollar amount of such expenditures for the second school fiscal  
 19 year preceding the first full school fiscal year the district  
 20 participates in Network Nebraska;  
 21 (b) Expenditures for new elementary attendance sites in the first  
 22 year of operation or the first year of operation after being closed for  
 23 at least one school year if such elementary attendance site will most  
 24 likely qualify for the elementary site allowance in the immediately  
 25 following school fiscal year as determined by the state board;  
 26 (c) For the first school fiscal year for which early childhood  
 27 education membership is included in formula students for the calculation  
 28 of state aid, expenditures for early childhood education equal to the  
 29 amount the school district received in early childhood education grants  
 30 pursuant to section 79-1103 for the prior school fiscal year, increased  
 31 by the basic allowable growth rate; and  
 1 (d) For school fiscal year 2013-14, an amount not to exceed two



2 percent over the previous school year if such increase is approved by a  
 3 seventy-five percent majority vote of the school board of such district.  
 4 (3) The state board shall approve, deny, or modify the amount  
 5 allowed for any exclusions to the budget authority for the general fund  
 6 budget of expenditures pursuant to this section.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 225A.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 225, One Hundred Fifth Legislature, First Session, 2017; and to declare an emergency.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 478.** Placed on Select File.

**LEGISLATIVE BILL 509.** Placed on Select File with amendment.  
 ER54

1 1. On page 1, line 3, after "change" insert "and eliminate"; in line  
 2 4 after "subpoenas" insert "and compulsory process in criminal cases; to  
 3 change and eliminate provisions relating to witness fees" and delete  
 4 "and"; and in line 5 after "sections" insert "; and to outright repeal  
 5 sections 25-1225 and 25-1236, Reissue Revised Statutes of Nebraska".

**LEGISLATIVE BILL 509A.** Placed on Select File.

**LEGISLATIVE BILL 97.** Placed on Select File.

**LEGISLATIVE BILL 291.** Placed on Select File with amendment.  
 ER55

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. Sections 1 to 9 of this act shall be known and may be  
 4 cited as the Special Economic Impact Zone Act.  
 5 Sec. 2. The purpose of the Special Economic Impact Zone Act is to  
 6 utilize the tax incentives provided in the act to encourage the formation  
 7 and expansion of businesses on reservations and trust land in this state.  
 8 Sec. 3. For purposes of the Special Economic Impact Zone Act:  
 9 (1) Department means the Department of Revenue;  
 10 (2) Federally designated or established service area means a  
 11 geographic area designated by the United States where federal services  
 12 and benefits furnished to Indians and Indian tribes are provided or which  
 13 is otherwise designated to constitute an area on or near a reservation;  
 14 (3) Indian tribe has the same meaning as in section 43-1503;  
 15 (4) Qualified business means any corporation, partnership, limited

16 liability company, sole proprietorship, or other business entity that:  
17 (a) Is subject to income taxes or sales and use taxes under the  
18 Nebraska Revenue Act of 1967;  
19 (b) Establishes a business location within a special economic impact  
20 zone on or after the effective date of this act;  
21 (c) Derives no more than five percent of its income from the sale of  
22 agricultural grain which it or one of its subsidiaries actively produced;  
23 and  
24 (d) Does not engage in Class III gaming activity authorized by the  
25 federal Indian Gaming Regulatory Act;  
26 (5) Reservation means Indian country as defined in 18 U.S.C. 1151  
27 and any lands, not covered under such section, title to which is either  
1 held by the United States in trust for the benefit of any Indian tribe or  
2 individual or held by any Indian tribe or individual subject to a  
3 restriction by the United States against alienation. Reservation does not  
4 include a federally designated or established service area;  
5 (6) Special economic impact zone means a zone established under  
6 section 4 of this act; and  
7 (7) Trust land means land held in trust by the United States for the  
8 beneficial use of an individual member of an Indian tribe or for the  
9 beneficial use of an Indian tribe.  
10 Sec. 4. (1) Subject to subsection (2) of this section, the  
11 following areas of this state are hereby established as special economic  
12 impact zones:  
13 (a) Each reservation in this state; and  
14 (b) For any Indian tribe without a reservation in this state, the  
15 trust land of such Indian tribe that lies within a federally designated  
16 or established service area.  
17 (2) Before any trust land located within a city of the metropolitan  
18 class, city of the primary class, or city of the first class is included  
19 within a special economic impact zone, the governing body of the city in  
20 which such trust land is located must first give its approval. A  
21 governing body shall notify the department of any approval granted under  
22 this section.  
23 Sec. 5. For taxable years beginning or deemed to begin on or after  
24 January 1, 2018, under the Internal Revenue Code of 1986, as amended, a  
25 qualified business may, in calculating its taxable income under the  
26 Nebraska Revenue Act of 1967, exclude the portion of the Nebraska taxable  
27 income equal to the portion of the sales of the qualified business that  
28 are sold or delivered from within a special economic impact zone.  
29 Sec. 6. (1) Beginning January 1, 2018, a qualified business shall  
30 be exempt from the sales and use taxes due under the Nebraska Revenue Act  
31 of 1967 for the first two hundred fifty thousand dollars of eligible  
1 purchases made by the qualified business each calendar year. The  
2 qualified business shall make the eligible purchases exempt from sales  
3 and use taxes using a direct payment permit issued under section  
4 77-2705.01.  
5 (2) For purposes of this section, eligible purchase means any  
6 purchase of a good or service subject to sales and use taxes under the

7 Nebraska Revenue Act of 1967 which is made by a qualified business for  
8 use within a special economic impact zone.

9 Sec. 7. Any qualified business receiving tax incentives under the  
10 Nebraska Advantage Act shall also be eligible to qualify for the tax  
11 incentives provided in the Special Economic Impact Zone Act.

12 Sec. 8. If a qualified business relocates from one part of the  
13 state to a special economic impact zone, such qualified business shall  
14 not be eligible for the tax incentives provided in the Special Economic  
15 Impact Zone Act.

16 Sec. 9. The department may adopt and promulgate rules and  
17 regulations for the purpose of carrying out the Special Economic Impact  
18 Zone Act.

19 Sec. 10. Section 58-201, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 58-201 Sections 58-201 to 58-272 and section 11 of this act shall be  
22 known and may be cited as the Nebraska Investment Finance Authority Act.

23 Sec. 11. (1) Each time applications are scored for purposes of  
24 allocating federal low-income housing tax credits, the authority shall  
25 give a bonus under its scoring system to the highest-scoring application  
26 that involves a development located in a special economic impact zone as  
27 defined in section 3 of this act. The bonus shall be equal to two percent  
28 of the total number of points available under such scoring system.

29 (2) No more than one application per calendar year may be awarded an  
30 allocation of federal low-income housing tax credits as a result of the  
31 bonus provided in subsection (1) of this section.

1 Sec. 12. Section 77-2701, Revised Statutes Cumulative Supplement,  
2 2016, is amended to read:

3 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,235, 77-27,236, and  
4 77-27,238 and section 15 of this act shall be known and may be cited as  
5 the Nebraska Revenue Act of 1967.

6 Sec. 13. Section 77-2701.04, Revised Statutes Cumulative Supplement,  
7 2016, is amended to read:

8 77-2701.04 For purposes of sections 77-2701.04 to 77-2713 and  
9 section 15 of this act, unless the context otherwise requires, the  
10 definitions found in sections 77-2701.05 to 77-2701.55 shall be used.

11 Sec. 14. Section 77-2705.01, Revised Statutes Cumulative Supplement,  
12 2016, is amended to read:

13 77-2705.01 (1) The Tax Commissioner may issue direct payment permits  
14 to (a) any person who annually purchases at least three million dollars  
15 of taxable property excluding purchases for which a resale certificate  
16 could be used or (b) any qualified business as defined in section 3 of  
17 this act.

18 (2)(a) An ~~(2)~~ The applicant described in subdivision (1)(a) of this  
19 section for a direct payment permit shall apply for a direct payment  
20 permit on a form prescribed by the Tax Commissioner. The applicant shall  
21 pay a nonrefundable fee of ten dollars for processing the application.  
22 The application shall include the agreement of the applicant to accrue  
23 and pay to the Tax Commissioner on or before the twentieth day of the  
24 month following the date of purchase, lease, or rental all sales and use

25 taxes on the taxable property purchased, leased, or rented by the  
26 applicant unless the items are exempt from taxation and the tax paid will  
27 be treated as a sales tax.

28 (b) An applicant described in subdivision (1)(b) of this section  
29 shall apply for a direct payment permit on a form prescribed by the Tax  
30 Commissioner. The application shall include the agreement of the  
31 applicant to accrue and pay to the Tax Commissioner on or before the  
1 twentieth day of the month following the date of purchase, lease, or  
2 rental all sales and use taxes that are due after the applicant's total  
3 purchases for the calendar year exceed the exempt amount provided in  
4 section 6 of this act. The tax paid will be treated as a sales tax.

5 (c) The Tax Commissioner may require a description of the accounting  
6 methods by which an applicant will differentiate between taxable and  
7 exempt transactions.

8 (3) The Tax Commissioner may issue a direct payment permit to any  
9 applicant who meets the requirements of subsections (1) and (2) of this  
10 section. The direct payment permit shall become effective on the first  
11 day of the month following approval of an application. The decision of  
12 the Tax Commissioner under this section is not appealable. An applicant  
13 who is denied a direct payment permit may submit an amended application  
14 or reapply.

15 (4) A direct payment permit is not transferable.

16 (5) The holder of a direct payment permit is not entitled to any  
17 collection fee otherwise payable to those who collect and remit sales and  
18 use taxes.

19 Sec. 15. (1) If the governing body of any federally recognized  
20 Indian tribe within the State of Nebraska presents a revenue-sharing  
21 agreement to the Department of Revenue that contains all of the  
22 provisions required under subsection (2) of this section, the department  
23 shall enter into such agreement with the governing body, except as  
24 provided in subsection (4) of this section.

25 (2) A revenue-sharing agreement under this section shall contain all  
26 of the following provisions:

27 (a) The duration of the agreement;

28 (b) The purpose of the agreement;

29 (c) A requirement that the Indian tribe impose a tribal tax that is  
30 less than or equal to the state sales and use taxes imposed under the  
31 Nebraska Revenue Act of 1967;

1 (d) A requirement that the tribal tax not be imposed on any  
2 transaction that is exempt from sales and use taxes under the Nebraska  
3 Revenue Act of 1967;

4 (e) A requirement that the tribal tax be imposed on both members and  
5 nonmembers of the Indian tribe;

6 (f) A requirement that twenty percent of the tribal tax be shared  
7 with the State of Nebraska;

8 (g) Provisions for administering, collecting, and enforcing the  
9 agreement and for the mutual waiver of sovereign immunity objections with  
10 respect to such provisions;

11 (h) Remittance of taxes collected;

12 (i) The method to be employed in accomplishing the partial or  
 13 complete termination of the agreement;  
 14 (j) A dispute resolution procedure; and  
 15 (k) Adequate reporting and auditing provisions.  
 16 (3) If a revenue-sharing agreement is entered into under this  
 17 section, then, for any transaction subject to the tribal tax, the  
 18 department shall not impose state sales and use taxes on such  
 19 transaction.  
 20 (4) If the governing body of any federally recognized Indian tribe  
 21 within the State of Nebraska presents a revenue-sharing agreement to the  
 22 department that contains more than the provisions required under  
 23 subsection (2) of this section, the department has discretion on whether  
 24 or not to enter into such agreement.  
 25 Sec. 16. Original section 58-201, Reissue Revised Statutes of  
 26 Nebraska, and sections 77-2701, 77-2701.04, and 77-2705.01, Revised  
 27 Statutes Cumulative Supplement, 2016, are repealed.  
 28 2. On page 1, line 2, strike the second "and" and insert a comma; in  
 29 line 3 after the first comma insert "and 77-2705.01,"; and in line 5  
 30 after the semicolon insert "to authorize issuance of direct payment  
 31 permits as prescribed;"

(Signed) Anna Wishart, Chairperson

#### **AMENDMENT(S) - Print in Journal**

Senator Wayne filed the following amendment to LB263:  
 AM967

(Amendments to Standing Committee amendments, AM538)

- 1 1. Strike sections 73, 74, 75, 76, 77, 78, and 79 and all amendments
- 2 thereto.
- 3 2. Renumber the remaining sections, correct internal references, and
- 4 amend the repealer accordingly.

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Blood name added to LB75.  
 Senator Blood name added to LB253.

#### **VISITOR(S)**

Visitors to the Chamber were 48 fourth-grade students from Watson Elementary, Hastings; 58 fourth-grade students from Grant Elementary, Norfolk; and David Pollock from North Omaha.

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

**ADJOURNMENT**

At 5:00 p.m., on a motion by Senator Hilgers, the Legislature adjourned until 9:00 a.m., Tuesday, April 11, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTY-THIRD DAY - APRIL 11, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**SIXTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 11, 2017

**PRAYER**

The prayer was offered by Senator Brewer.

**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 Senator Hansen who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-second day was approved.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 137.** Placed on Final Reading.  
**LEGISLATIVE BILL 180.** Placed on Final Reading.  
**LEGISLATIVE BILL 180A.** Placed on Final Reading.  
**LEGISLATIVE BILL 267.** Placed on Final Reading.  
**LEGISLATIVE BILL 317.** Placed on Final Reading.  
**LEGISLATIVE BILL 641A.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 86, 87, 88, 89, and 90 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 86, 87, 88, 89, and 90.

**GENERAL FILE**

**LEGISLATIVE BILL 44.** Title read. Considered.

Senator Watermeier moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 13 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**NOTICE OF COMMITTEE HEARING(S)**

Business and Labor

Room 2102

Tuesday, April 18, 2017 1:00 p.m.

Aaron Jazyuka - Boiler Safety Code Advisory Board

Martin Kasl - Boiler Safety Code Advisory Board

(Signed) Joni Albrecht, Chairperson

**REFERENCE COMMITTEE REPORT(S)**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR95	Government, Military and Veterans Affairs
LR98	Education

Brightman, Brian - State Board of Health - Health and Human Services

The Legislative Council Executive Board referred the request to approve a gift of two memorials including materials and labor of \$300,000 from the Norfolk Veterans Home Heroes Park Foundation Inc., for the addition of a World War II and Korean War Memorial to the Flag Plaza located in front of the Norfolk Veterans Home to the Government, Military and Veterans Affairs Committee for further consideration.

(Signed) Dan Watermeier, Chairperson  
Executive Board



**GENERAL FILE**

**LEGISLATIVE BILL 44A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 9 nays, 11 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 225A.** Title read. Considered.

Senator Crawford offered the following amendment:  
AM990

1 1. On page 2, strike lines 7 through 9.

The Crawford amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 263.** Senator Bolz offered her amendment, AM670, found on page 871.

The Bolz amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Wayne asked unanimous consent to withdraw his amendment, AM909, found on page 919, and replace it with his substitute amendment, AM967, found on page 997. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

Senator Wayne requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 16:

Blood	Howard	Morfeld	Vargas
Chambers	Kolowski	Pansing Brooks	Walz
Hansen	Krist	Quick	Wayne
Harr	McDonnell	Schumacher	Wishart

Voting in the negative, 26:

Albrecht	Craighead	Halloran	Larson	Scheer
Bostelman	Crawford	Hilgers	Lindstrom	Smith
Brasch	Erdman	Hilkemann	Linehan	
Brewer	Friesen	Hughes	Lowe	
Briese	Geist	Kolterman	Murante	
Clements	Groene	Kuehn	Riepe	

Present and not voting, 6:

Baker	McCollister	Watermeier
Bolz	Stinner	Williams

Excused and not voting, 1:

Ebke

The Wayne amendment lost with 16 ayes, 26 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Friesen offered his amendment, AM867, found on page 925.

The Friesen amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion:

MO75

Indefinitely postpone.

Pending.

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 91A.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 91, One Hundred Fifth Legislature, First Session, 2017.

#### **AMENDMENT(S) - Print in Journal**

Senator Scheer filed the following amendment to LB427:  
AM987

(Amendments to AM739)

1 1. On page 1, line 23, strike the last "the" and insert "any"; and  
2 in line 25 after "act" insert "or shall meet the minimum standards set

3 forth in such section".

4 2. On page 2, lines 1 and 23, strike "shall" and insert "may".

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Williams name added to LB578.

#### **VISITOR(S)**

Visitors to the Chamber were Allen Kaeman from Bayard; 40 fourth-grade students and teachers from Seymour Elementary, Ralston; and 40 fourth-grade students from Mary Our Queen, Omaha.

#### **RECESS**

At 11:51 a.m., on a motion by Senator Kolterman, the Legislature recessed until 1:30 p.m.

#### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

#### **ROLL CALL**

The roll was called and all members were present except Senators Bolz, Clements, Groene, Hilgers, Hilkemann, Kuehn, McDonnell, Murante, Stinner, Vargas, Watermeier, and Wishart who were excused until they arrive.

#### **MESSAGE(S) FROM THE GOVERNOR**

April 11, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Please withdraw the following individuals from consideration for confirmation of appointment to the Boiler Safety Code Advisory Board:

William Hetzler, 7005 S. 74 Street, Unit 303, La Vista, NE 68128  
Kurt Eberspacher, 4332 W. McKelvie Road, Lincoln, NE 68524

Sincerely,  
 (Signed) Pete Ricketts  
 Governor

**SELECT FILE**

**LEGISLATIVE BILL 263.** Senator Chambers renewed his motion, MO75, found in this day's Journal, to indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 276.** ER44, found on page 934, was adopted.

Senator Brasch offered her amendment, AM952, found on page 953.

The Brasch amendment was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 217.** ER48, found on page 934, was adopted.

Senator Harr offered the following amendment:

AM993

(Amendments to E and R amendments, ER48)

1 1. Insert the following new section:

2 Sec. 6. Section 77-1359, Revised Statutes Cumulative Supplement,  
 3 2016, is amended to read:

4 77-1359 The Legislature finds and declares that agricultural land  
 5 and horticultural land shall be a separate and distinct class of real  
 6 property for purposes of assessment. The assessed value of agricultural  
 7 land and horticultural land shall not be uniform and proportionate with  
 8 all other real property, but the assessed value shall be uniform and  
 9 proportionate within the class of agricultural land and horticultural  
 10 land.

11 For purposes of this section and section 77-1363:

12 (1) Agricultural land and horticultural land means a parcel of land,  
 13 excluding land associated with a building or enclosed structure located  
 14 on the parcel, which is primarily used for agricultural or horticultural  
 15 purposes, including wasteland lying in or adjacent to and in common  
 16 ownership or management with other agricultural land and horticultural  
 17 land;

18 (2)(a) ~~(2)~~ Agricultural or horticultural purposes means used for the  
 19 commercial production of any plant or animal product in a raw or  
 20 unprocessed state that is derived from the science and art of  
 21 agriculture, aquaculture, or horticulture; -

22 (b) Agricultural or horticultural purposes includes the following

23 uses of land:

24 (i) (a) Land retained or protected for future agricultural or  
 25 horticultural purposes under a conservation easement as provided in the  
 26 Conservation and Preservation Easements Act except when the parcel or a  
 1 portion thereof is being used for purposes other than agricultural or  
 2 horticultural purposes; and  
 3 (ii) (b) Land enrolled in a federal or state program in which  
 4 payments are received for removing such land from agricultural or  
 5 horticultural production; and  
 6 (c) Whether a parcel of land is primarily used for agricultural or  
 7 horticultural purposes shall be determined without regard to whether some  
 8 or all of the parcel is platted and subdivided into separate lots or  
 9 developed with improvements consisting of streets, sidewalks, curbs,  
 10 gutters, sewer lines, water lines, or utility lines;  
 11 (3) Farm home site means land contiguous to a farm site which  
 12 includes an inhabitable residence and improvements used for residential  
 13 purposes and which is located outside of urban areas or outside a platted  
 14 and zoned subdivision; and  
 15 (4) Farm site means the portion of land contiguous to land actively  
 16 devoted to agriculture which includes improvements that are agricultural  
 17 or horticultural in nature, including any uninhabitable or unimproved  
 18 farm home site.  
 19 2. Renumber the remaining sections and correct internal references  
 20 accordingly.  
 21 3. Correct the operative date and repealer sections so that the  
 22 section added by this amendment becomes operative three calendar months  
 23 after the adjournment of this legislative session.

The Harr amendment was adopted with 39 ayes, 0 nays, 1 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 487.** ER47, found on page 934, was adopted.

Advanced to Enrollment and Review for Engrossment.

#### **GENERAL FILE**

**LEGISLATIVE BILL 605.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 481.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 358.** Title read. Considered.

Committee AM493, found on page 730, was offered.

Senator McCollister moved for a call of the house. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Riepe requested a roll call vote on the committee amendment.

Voting in the affirmative, 25:

Baker	Hansen	Krist	Pansing Brooks	Vargas
Blood	Harr	Linehan	Quick	Walz
Briese	Hilkemann	McCollister	Scheer	Wayne
Chambers	Howard	McDonnell	Schumacher	Williams
Crawford	Kolowski	Morfeld	Smith	Wishart

Voting in the negative, 12:

Albrecht	Brewer	Geist	Kuehn
Bostelman	Craighead	Groene	Lowe
Brasch	Erdman	Halloran	Riepe

Present and not voting, 8:

Clements	Friesen	Kolterman	Lindstrom
Ebke	Hughes	Larson	Stinner

Excused and not voting, 4:

Bolz	Hilgers	Murante	Watermeier
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The committee amendment was adopted with 25 ayes, 12 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**SPEAKER SCHEER PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Senator Harr moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 7 nays, and 15 not voting.

Senator McCollister moved for a call of the house. The motion prevailed with 28 ayes, 5 nays, and 16 not voting.

Senator McCollister requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 24:

Baker	Crawford	Kolowski	Morfeld	Walz
Blood	Hansen	Krist	Pansing Brooks	Wayne
Bolz	Harr	Linehan	Quick	Williams
Briese	Hilkemann	McCollister	Schumacher	Wishart
Chambers	Howard	McDonnell	Vargas	

Voting in the negative, 19:

Albrecht	Clements	Friesen	Hughes	Riepe
Bostelman	Craighead	Geist	Kuehn	Smith
Brasch	Ebke	Groene	Lindstrom	Watermeier
Brewer	Erdman	Halloran	Low	

Present and not voting, 2:

Kolterman      Larson

Excused and not voting, 4:

Hilgers              Murante              Scheer              Stinner

Failed to advance to Enrollment and Review Initial with 24 ayes, 19 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 628.** Title read. Considered.

Committee AM405, found on page 710, was offered.

Senator Chambers requested a ruling of the Chair on whether the committee amendment is germane to the bill.

The Chair ruled, pursuant to Rule 3, Sec. 13, committee amendments are germane to the bill.

Senator Chambers offered the following motion:

MO77

Recommit to the Government, Military and Veterans Affairs Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to recommit to committee.

Voting in the affirmative, 2:

Blood            Crawford

Voting in the negative, 36:

Albrecht	Craighead	Hughes	McCollister	Walz
Baker	Ebke	Kolowski	McDonnell	Wayne
Bolz	Erdman	Kolterman	Morfeld	Williams
Bostelman	Friesen	Kuehn	Pansing Brooks	Wishart
Brasch	Groene	Larson	Riepe	
Brewer	Halloran	Lindstrom	Scheer	
Briese	Hilkemann	Linehan	Schumacher	
Clements	Howard	Low	Vargas	

Present and not voting, 4:

Chambers      Hansen          Harr            Quick

Excused and not voting, 7:

Geist	Krist	Smith	Watermeier
Hilgers	Murante	Stinner	

The Chambers motion to recommit to committee failed with 2 ayes, 36 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 91.** Placed on Final Reading.

ST12

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "71-522," has been inserted after the second comma; in line 3, "to define a term;" has been inserted after the semicolon; and in line 4 "to provide an operative date;" has been inserted after the second semicolon.

2. On page 7, line 6, "71-522," has been inserted after the second comma.



**LEGISLATIVE BILL 444.** Placed on Final Reading.

ST14

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "political" in line 1 through line 3 and all amendments thereto has been struck and "workplace injury; to amend section 48-101.01, Revised Statutes Cumulative Supplement, 2016; to prohibit cities and counties from canceling health insurance coverage for injured first responders as prescribed; to change provisions relating to personal injuries to include frontline state employees under the Nebraska Workers' Compensation Act; to define terms; and to repeal the original section." inserted.

**LEGISLATIVE BILL 535.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 263A.** Introduced by Friesen, 34; Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 263, One Hundred Fifth Legislature, First Session, 2017; and to declare an emergency.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 99.** Introduced by Pansing Brooks, 28.

WHEREAS, Ken and Ryly Jane Hambleton retired from full-time sports writing at the Lincoln Journal Star in March of 2017; and

WHEREAS, Ken started at the paper in 1972 and was one of the first sports writers in the country to rank high school volleyball; and

WHEREAS, Ken has covered nearly every girls' state basketball tournament ever held in the State of Nebraska; and

WHEREAS, writing about Husker football and basketball has taken Ken to Japan, Hawaii, and all across the country; and

WHEREAS, Ryly Jane has been at the Journal Star for more than 40 years and has ranked the state's football and boys' basketball teams for the last 31 years; and

WHEREAS, Ryly Jane has covered games all across the State of Nebraska; and

WHEREAS, they met at the Journal Star in the early 1970s and have been married for 41 years.

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

1. That the Legislature congratulates Ken and Ryly Jane Hambleton on their illustrious sports-writing careers and their recent retirements, and thanks them for their many contributions to our state.
2. That a copy of this resolution be sent to Ken and Ryly Jane Hambleton.

Laid over.

**LEGISLATIVE RESOLUTION 100.** Introduced by Linchan, 39; Larson, 40; Scheer, 19.

WHEREAS, Norman Hale was a dedicated school teacher and administrator, known for positive solutions and new ideas when working with students, teachers, and his community; and

WHEREAS, Norman Hale devoted his life to giving students a chance to succeed; and

WHEREAS, Norman Hale had a distinguished career in education at Pueblo and Colorado Springs, Colorado, and in Nebraska at St. Mary's in O'Neill, at Norfolk Catholic in Norfolk, and most recently at St. Patrick's in Elkhorn; and

WHEREAS, Norman Hale was scheduled to return to Norfolk in July to serve as principal of Norfolk Catholic School and to the Norfolk community, which he considered his home; and

WHEREAS, Norman Hale is survived by his wife, Carolyn; sons, Ethan and Logan; granddaughter, Vienna; mother, Carol; brothers, Eddie, Ron, and Phil; sisters, Carla and Kim; and foster parents Charles and Suzie McClure; and

WHEREAS, Norman Hale's life tragically ended in a car accident on April 5, 2017; and

WHEREAS, Norman Hale leaves behind a grieving family and numerous friends and colleagues, all mourning the loss of this talented and caring man.

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

1. That the Legislature extends its sympathy to Norman Hale's family and friends.
2. That a copy of this resolution be sent to the family of Norman Hale, to St. Patrick's Catholic School in Elkhorn, and to Norfolk Catholic School in Norfolk.

Laid over.

#### **GENERAL FILE**

**LEGISLATIVE BILL 628.** Senator Chambers offered the following motion:

MO78

Reconsider the vote taken to recommit to committee.

#### **SPEAKER SCHEER PRESIDING**

Pending.

**AMENDMENT(S) - Print in Journal**

Senator Morfeld filed the following amendment to LB628:  
AM948

1 1. On page 2, strike beginning with "Except" in line 7 through line  
2 11.

**MOTION(S) - Print in Journal**

Senator Chambers filed the following motion to LB628:  
MO76  
Indefinitely postpone.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 101.** Introduced by Kolterman, 24;  
Bolz, 29; Groene, 42; Kolowski, 31; Lindstrom, 18; Stinner, 48.

WHEREAS, Phyllis Chambers was selected by Nebraska Public Employees Retirement Board to serve as the Director of the Nebraska Public Employees Retirement Systems (NPERS) and was confirmed by the Legislature in February 2007; and

WHEREAS, under the leadership of Ms. Chambers, NPERS was awarded the Public Pension Standards Award for Funding and Administration in 2012, 2013, 2014, and 2015 by the Public Pension Coordinating Council; and

WHEREAS, other accomplishments of Ms. Chambers include:

(1) Completing a CEM Benchmarking study comparing NPERS services with other public retirement systems in a similar peer group. Total pension administrative costs for NPERS averaged \$68 per active annuitant, which was \$53 below the peer average of \$121 per annuitant;

(2) Cooperating and working with the Internal Revenue Service to receive favorable determination letters for the School, Judges, State Patrol, State, and County retirement plans;

(3) Resolving prior audit points identified by the Auditor of Public Accounts with regard to the five retirement plans, and reducing the number of audit points in all five plans;

(4) Contracting with the Groom Law Group and The Segal Group to conduct a compliance audit of all five retirement plans and working with the Legislature to draft and implement necessary statutory changes to ensure that the plans remain in compliance with Internal Revenue Code requirements;

(5) Working with the actuary and Nebraska Retirement Systems Committee to create 30-year projection modeling software to study the long-term funding of the defined benefit plans and to develop and present the annual valuation reports on all the plans;

(6) Working with the actuary to implement the financial reporting changes in Government Accounting Standards Board (GASB) Rule 67 for the State

and County plans, and the implementation of GASB Rule 68 allocating the proportionate unfunded liability to employers in the School plan;

(7) Working with the actuary in 2012 and 2016 on the actuarial experience analysis of economic and demographic assumptions for the plans and coordinating with the Nebraska Retirement Systems Committee to draft necessary legislative changes to incorporate the new actuarial assumptions;

(8) Meeting and working with the Nebraska Retirement Systems Committee, member group representatives, and members to identify necessary changes in the plans to maintain the long-term solvency of the plans;

(9) Relocating backup servers to an alternative site for purposes of disaster recovery and continuous operations, establishing a secondary offsite storage procedure and location for backup tapes, and completing the disaster recovery manual;

(10) Presiding over the Legacy Media Scanning Project, which includes scanning old member and employer records on ledgers, microfilm, and microfiche into the technology system which, when completed, will include over 15 million documents that have been prepared, scanned, indexed, and audited for quality control; and

(11) Planning and coordinating with the Department of Administrative Services to relocate the NPERs offices in 2014; and

WHEREAS, prior to her appointment as Director of the Nebraska Retirement Systems, Ms. Chambers worked in various executive positions, including as CEO of the Cornhusker Better Business Bureau and state coordinator for Hartford Life Insurance Company; and

WHEREAS, Ms. Chambers is a licensed pilot and served as an elected official on the Lincoln Airport Authority for over ten years; and

WHEREAS, Ms. Chambers is retiring from her position as Director of the Public Employees Retirement Systems in August 2017.

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

1. That the Legislature thanks Phyllis Chambers for her dedication, service, and commitment to serving the members of the state-administered retirement plans, the Public Employees Retirement Board, and the members of the Nebraska Retirement Systems Committee, and wishes her good health and a long and fulfilling retirement.

2. That a copy of this resolution be sent to Phyllis Chambers.

Laid over.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Brewer name added to LB578.

Senator Kolowski name added to LR95.

**VISITOR(S)**

Visitors to the Chamber were Steve Farner from Omaha; and 70 fourth-grade students, teachers, and sponsors from West Dodge Station Elementary, Elkhorn.

The Doctor of the Day was Dr. Danielle Thies from Rushville.

**ADJOURNMENT**

At 5:01 p.m., on a motion by Senator Wishart, the Legislature adjourned until 9:00 a.m., Wednesday, April 12, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTY-FOURTH DAY - APRIL 12, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**SIXTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 12, 2017

**PRAYER**

The prayer was offered by Senator Bolz.

**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 Briese and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-third day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 91A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 263A.** Title read. Considered.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Blood	Crawford	Hilgers	Lindstrom	Smith
Bolz	Ebke	Hilkemann	Lowe	Williams
Bostelman	Friesen	Howard	McDonnell	
Brasch	Geist	Hughes	Pansing Brooks	
Clements	Groene	Kolowski	Quick	
Craighead	Hansen	Kolterman	Scheer	

Voting in the negative, 6:

Baker            Krist            Schumacher  
Chambers        McCollister    Walz

Present and not voting, 15:

Albrecht        Halloran        Larson            Murante        Vargas  
Brewer          Harr            Linehan          Riepe          Wayne  
Erdman          Kuehn          Morfeld          Stinner        Wishart

Excused and not voting, 2:

Briese            Watermeier

Advanced to Enrollment and Review Initial with 26 ayes, 6 nays, 15 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 158.** Title read. Considered.

Committee AM145, found on page 426, was offered.

Senator Pansing Brooks offered the following amendment to the committee amendment:

AM996

(Amendments to Standing Committee amendments, AM145)

1 1. Insert the following new sections:

2 Section 1. The Juvenile Indigent Defense Fund is created. The fund  
3 shall be administered by the Commission on Public Advocacy and shall only  
4 be used to provide legal services to juveniles in juvenile court and  
5 provide resources to assist counties in fulfilling their obligation to  
6 provide for effective assistance of legal counsel for indigent juveniles.  
7 The commission shall distribute money in the fund periodically in the  
8 form of grants to counties under the Juvenile Indigent Defense Grant  
9 Program as provided by the commission's rules and regulations. Any money  
10 in the fund available for investment shall be invested by the state  
11 investment officer pursuant to the Nebraska Capital Expansion Act and the  
12 Nebraska State Funds Investment Act.

13 Sec. 2. (1) There is created a separate and distinct budgetary  
14 program within the Commission on Public Advocacy to be known as the  
15 Juvenile Indigent Defense Grant Program. Funds from the Juvenile Indigent  
16 Defense Fund shall be used to provide grants to counties to help offset  
17 the cost of providing legal counsel for indigent juveniles.

18 (2)(a) A county may apply for a grant under the program beginning  
19 September 15, 2018.

20 (b) To be eligible for a grant under the program, a county shall  
21 demonstrate to the commission that, after the effective date of this act,  
22 the county's per capita juvenile court costs have increased, as compared  
23 to such county's per capita juvenile court costs for the preceding three  
24 fiscal years. The county shall provide the commission with data showing



25 that such increase in costs was due to the implementation of this  
26 legislative bill and pinpointing the factors contributing to such  
1 increase.

2 (c) Funds provided to counties under the program shall be used  
3 exclusively to provide legal counsel for indigent juveniles.

4 (3) Any county receiving a grant under the program shall annually  
5 submit information electronically to the commission as required by the  
6 commission's rules and regulations. Such information shall include, but  
7 not be limited to, the number of juveniles that received legal  
8 representation as a result of this legislative bill and the reason or  
9 reasons for not otherwise providing legal representation.

10 (4) On or before October 1, 2019, and each October 1 thereafter, the  
11 commission shall electronically submit a report to the Legislature  
12 concerning the distribution and use of funds for grants provided under  
13 the program. The report shall include, but not be limited to, the  
14 information described in subsection (3) of this section.

15 (5) The commission shall adopt and promulgate rules and regulations  
16 as necessary to implement section 1 of this act and this section.  
17 Sec. 3. Section 24-227.01, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 24-227.01 The Supreme Court Automation Cash Fund is created. The  
20 State Court Administrator shall administer the fund. The fund shall only  
21 be used to support automation expenses of the Supreme Court, Court of  
22 Appeals, district courts, separate juvenile courts, county courts, and  
23 Nebraska Probation System from the computer automation budget program.  
24 On July 1, 2014, or as soon thereafter as administratively possible,  
25 the State Treasurer shall transfer six hundred thousand dollars from the  
26 Supreme Court Automation Cash Fund to the Nebraska Retirement Fund for  
27 Judges as an offset to the increase in the state's contribution to the  
28 Nebraska Judges Retirement System.

29 On or after the effective date of this act, or as soon thereafter as  
30 administratively possible, the State Treasurer shall transfer four  
31 hundred thousand dollars from the Supreme Court Automation Cash Fund to  
1 the Juvenile Indigent Defense Fund to be used as provided in section 1 of  
2 this act.

3 Any money in the Supreme Court Automation Cash Fund available for  
4 investment shall be invested by the state investment officer pursuant to  
5 the Nebraska Capital Expansion Act and the Nebraska State Funds  
6 Investment Act.

7 Sec. 4. This act becomes operative on September 15, 2017.

8 2. Renumber the remaining sections and amend the repealer  
9 accordingly.

10 3. Renumber the remaining amendments accordingly.

Senator Hansen moved the previous question. The question is, "Shall the debate now close?"

Senator Hansen moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Senator Hansen requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 25:

Baker	Crawford	Hilkemann	McDonnell	Vargas
Blood	Ebke	Howard	Morfeld	Walz
Bolz	Hansen	Kolowski	Pansing Brooks	Wayne
Brewer	Harr	Krist	Quick	Williams
Chambers	Hilgers	McCollister	Smith	Wishart

Voting in the negative, 9:

Albrecht	Brasch	Erdman	Groene	Lowe
Bostelman	Clements	Friesen	Hughes	

Present and not voting, 10:

Halloran	Kuehn	Lindstrom	Murante	Schumacher
Kolterman	Larson	Linehan	Riepe	Watermeier

Excused and not voting, 5:

Briese	Craighead	Geist	Scheer	Stinner
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The motion to cease debate prevailed with 25 ayes, 9 nays, 10 present and not voting, and 5 excused and not voting.

The Pansing Brooks amendment, AM996, lost with 23 ayes, 12 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Krist offered the following motion:

MO79

Reconsider the vote taken on AM996.

Pending.

#### **AMENDMENT(S) - Print in Journal**

Senator Albrecht filed the following amendment to LB172:

AM964

1 1. Strike original sections 27 and 42 and insert the following new  
2 sections:

3 Sec. 27. Section 48-626, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 48-626 (1) For any benefit year beginning before October 1, 2018.

6 any ~~Any~~ otherwise eligible individual shall be entitled during any

7 benefit year to a total amount of benefits equal to whichever is the  
8 lesser of (a) ~~(1)~~ twenty-six times his or her benefit amount or (b) ~~(2)~~  
9 one-third of his or her wages in the employment of each employer per  
10 calendar quarter of his or her base period; except that when any  
11 individual has been separated from his or her employment with a base  
12 period employer under the circumstances under which he or she was or  
13 could have been determined disqualified under section 40 or 42 of this  
14 act subdivision (1) or (2) of section 48-628, the total benefit amount  
15 based on the employment from which he or she was so separated shall be  
16 reduced by an amount equal to the number of weeks for which he or she is  
17 or would have been disqualified had he or she filed a claim immediately  
18 after the separation, multiplied by his or her weekly benefit amount, but  
19 not more than one reduction may be made for each separation. In no event  
20 shall the benefit amount based on employment for any employer be reduced  
21 to less than one benefit week when the individual was or could have been  
22 determined disqualified under ~~subdivision (1) of section 42 of this act~~  
23 ~~48-628~~.

24 (2) For any benefit year beginning on or after October 1, 2018, any  
25 otherwise eligible individual shall be entitled during any benefit year  
26 to a total amount of benefits equal to whichever is the lesser of (a)  
27 twenty-six times his or her weekly benefit amount or (b) one-third of his  
1 or her wages in the employment of each employer per calendar quarter of  
2 his or her base period; except that when any individual has been  
3 separated from his or her employment with a base period employer under  
4 circumstances under which he or she was or could have been determined  
5 disqualified under section 40 or 42 of this act, the total benefit amount  
6 based on the employment from which he or she was so separated shall be  
7 reduced by an amount determined pursuant to subsection (3) of this  
8 section, but not more than one reduction may be made for each separation.  
9 In no event shall the benefit amount based on employment for any employer  
10 be reduced to less than one benefit week when the individual was or could  
11 have been determined disqualified under section 42 of this act.

12 (3) For purposes of determining the reduction of benefits described  
13 in subsection (2) of this section:

14 (a) If the claimant has been separated from his or her employment  
15 under circumstances under which he or she was or could have been  
16 determined disqualified under section 42 of this act, his or her total  
17 benefit amount shall be reduced by:

18 (i) Two times his or her weekly benefit amount if he or she left  
19 work voluntarily for the sole purpose of accepting previously secured,  
20 permanent, full-time, insured work, which he or she does accept, which  
21 offers a reasonable expectation of betterment of wages or working  
22 conditions, or both, and for which he or she earns wages payable to him  
23 or her; or

24 (ii) Thirteen times his or her weekly benefit amount if he or she  
25 left work voluntarily without good cause for any reason other than that  
26 described in subdivision (3)(a)(i) of this section; and

27 (b) If the claimant has been separated from his or her employment  
28 under circumstances under which he or she was or could have been

29 determined disqualified under section 40 of this act, his or her total  
30 benefit amount shall be reduced by fourteen times his or her weekly  
31 benefit amount.

1 (4) For purposes of sections 48-623 to 48-626, wages shall be  
2 counted as wages for insured work for benefit purposes with respect to  
3 any benefit year only if such benefit year begins subsequent to the date  
4 on which the employer by whom such wages were paid has satisfied the  
5 conditions of section 48-603 or subsection (3) of section 48-661 with  
6 respect to becoming an employer.

7 (5) In order to determine the benefits due under this section and  
8 sections 48-624 and 48-625, each employer shall make reports, in  
9 conformity with reasonable rules and regulations adopted and promulgated  
10 by the commissioner, of the wages of any claimant. If any ~~such~~ employer  
11 ~~fails shall fail~~ to make such a report within the time prescribed, the  
12 commissioner may accept the statement of such claimant as to his or her  
13 wages, and any benefit payments based on such statement of earnings, in  
14 the absence of fraud or collusion, ~~shall will~~ be final as to the amount.

15 Sec. 42. An individual shall be disqualified for benefits:

16 (1) For any benefit year beginning before October 1, 2018:

17 (a) For the week in which he or she has left work voluntarily  
18 without good cause, if so found by the commissioner, and for the thirteen  
19 weeks immediately thereafter. For purposes of this subdivision, a  
20 temporary employee of a temporary help firm has left work voluntarily  
21 without good cause if the temporary employee does not contact the  
22 temporary help firm for reassignment upon completion of an assignment and  
23 the temporary employee has been advised by the temporary help firm of his  
24 or her obligation to contact the temporary help firm upon completion of  
25 assignments and has been advised by the temporary help firm that the  
26 temporary employee may be denied benefits for failure to do so; or

27 (b) For the week in which he or she has left work voluntarily for  
28 the sole purpose of accepting previously secured, permanent, full-time,  
29 insured work, if so found by the commissioner, and for the two weeks  
30 immediately thereafter. For this subdivision to apply, such work shall:

31 (i) Be accepted by the individual;

1 (ii) Offer a reasonable expectation of betterment of wages or  
2 working conditions, or both; and

3 (iii) Enable the individual to earn wages payable to him or her; or

4 (2) For any benefit year beginning on or after October 1, 2018, for  
5 the week in which he or she has left work voluntarily without good cause,  
6 if so found by the commissioner, and for all subsequent weeks until the  
7 individual has earned wages in insured work in an amount of at least four  
8 times his or her weekly benefit amount and has separated from the most  
9 recent subsequent employment under nondisqualifying conditions. For  
10 purposes of this subdivision, a temporary employee of a temporary help  
11 firm has left work voluntarily without good cause if the temporary  
12 employee does not contact the temporary help firm for reassignment upon  
13 completion of an assignment and the temporary employee has been advised  
14 by the temporary help firm of his or her obligation to contact the  
15 temporary help firm upon completion of assignments and has been advised

- 16 by the temporary help firm that the temporary employee may be denied  
 17 benefits for failure to do so.  
 18 2. On page 4, line 12, strike the comma and show as stricken.  
 19 3. On page 54, reinstate lines 10 through 13.  
 20 4. On page 59, line 23, after the period insert "If such adjusted  
 21 amount is not a whole dollar amount, the adjusted amount shall be rounded  
 22 down to the nearest whole dollar amount.".  
 23 5. On page 88, line 11, strike "delivering" and insert "electronic  
 24 notice" and reinstate the stricken "by"; and in line 12 after the period  
 25 insert "A claimant shall elect to receive either electronic notice or  
 26 mailed notice when he or she files a new claim or establishes a new  
 27 benefit year. A claimant may change his or her election at any time.".  
 28 6. On page 124, line 31, strike "sections 64 to 67" and insert  
 29 "section 65".  
 30 7. On page 133, line 19, strike the new matter.  
 31 8. On page 137, line 7, strike "65" and insert "66".

Senator Groene filed the following amendment to LB640:  
 AM992

(Amendments to Standing Committee amendments, AM752)

- 1 1. On page 8, line 27 after the first comma insert "except as  
 2 otherwise provided in subsection (3) of this section."; and after line 31  
 3 insert the following new subsection:  
 4 "(3) For any tax year for which a percentage reduction is calculated  
 5 pursuant to subsection (5) of section 4 of this act, the transfer from  
 6 the Property Tax Credit Cash Fund to the Tax Equity and Educational  
 7 Opportunities Fund pursuant to subsection (2) of this section shall be  
 8 reduced by such percentage.".  
 9 2. On page 9, line 16, strike "this subsection" and insert  
 10 "subsection (5) of this section"; strike beginning with "If" in line 20  
 11 through line 26 and insert the following new subsection:  
 12 "(5) For any tax year for which the sum of the statewide increase in  
 13 state aid certified pursuant to subsection (1) of section 3 of this act  
 14 plus the statewide total school district property tax relief aid  
 15 calculated pursuant to subsection (4) of this section exceeds the funds  
 16 available for distribution from the Property Tax Credit Cash Fund, a  
 17 reduction percentage shall be calculated by the Department of Revenue  
 18 equal to the ratio of the amount by which such sum exceed the funds  
 19 available for distribution divided by such sum. The transfer from the  
 20 Property Tax Credit Cash Fund to the Tax Equity and Educational  
 21 Opportunities Fund pursuant to subsection (2) of section 3 of this act  
 22 and the school district property tax relief aid for each local system  
 23 that qualifies pursuant to subsection (2) of this section shall be  
 24 reduced by the reduction percentage."; and in line 27 strike "(5)" and  
 25 insert "(6)".  
 26 3. On page 10, line 1, strike "(4)" and insert "(5)"; in line 4,  
 1 strike "(6)" and insert "(7)"; in line 11, strike "(7)" and insert "(8)";  
 2 and in line 18, strike "(8)" and insert "(9)".

Senator Erdman filed the following amendment to LB427:  
AM968

(Amendments to AM739)

1 1. On page 1, line 8, strike "have an obligation" and insert "should  
2 strive"; in line 10 strike "must" and insert "should"; in line 14 strike  
3 "allow" and insert "accommodate"; in line 19 strike "shall" and insert  
4 "may"; and in line 23 strike the last "the" and insert "any".  
5 2. On page 2, line 1, strike "shall" and insert "may"; in line 17  
6 after "facilities" insert an underscored period; and strike lines 18  
7 through 21.

### VISITOR(S)

Visitors to the Chamber were members of LIBA from Lincoln; 44 fourth-grade students and teachers from Louisville; and 46 fourth-grade students and teachers from Fort Calhoun.

### RECESS

At 11:55 a.m., on a motion by Senator Schumacher, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Watermeier presiding.

### ROLL CALL

The roll was called and all members were present except Senators Bolz, Groene, Kolowski, Krist, Larson, Vargas, and Wayne who were excused until they arrive.

### ANNOUNCEMENT(S)

The Legislature has received the report of the Special Committee on the qualification challenge for the 11th legislative district.

### GENERAL FILE

**LEGISLATIVE BILL 72.** Senator Crawford renewed her amendment, AM804, found on page 847.

Senator Crawford withdrew her amendment.

Senator McDonnell offered his amendment, AM789, found on page 846.

Senator McDonnell withdrew his amendment.

### PRESIDENT FOLEY PRESIDING

Senator Schumacher offered the following motion:

MO80

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Schumacher moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Schumacher requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 33:

Albrecht	Clements	Halloran	Larson	Schumacher
Baker	Craighead	Harr	Lindstrom	Smith
Bostelman	Ebke	Hilgers	Linehan	Stinner
Brasch	Erdman	Hilkemann	Lowe	Watermeier
Brewer	Friesen	Hughes	McCollister	Williams
Briese	Geist	Kolterman	Murante	
Chambers	Groene	Kuehn	Riepe	

Voting in the negative, 11:

Blood	Hansen	McDonnell	Vargas
Bolz	Howard	Morfeld	Walz
Crawford	Kolowski	Quick	

Present and not voting, 4:

Krist	Pansing Brooks	Scheer	Wishart
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Excused and not voting, 1:

Wayne

The Schumacher motion to invoke cloture prevailed with 33 ayes, 11 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 14 nays, 5 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 68.** Senator Chambers renewed his motion, MO70, found on page 924, to recommit to committee.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 75.** Placed on Final Reading.**LEGISLATIVE BILL 376.** Placed on Final Reading.**LEGISLATIVE BILL 417.** Placed on Final Reading.

ST13

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E&R amendments, ER45:
  - a. On page 21, line 26, "43-4406," has been inserted after the fourth comma; and
  - b. On page 22, line 3, "to change provisions relating to a child welfare services report;" has been inserted after the semicolon.

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 44.** Placed on Select File.**LEGISLATIVE BILL 44A.** Placed on Select File.**LEGISLATIVE BILL 225A.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 145.** Placed on General File with amendment. AM828 is available in the Bill Room.

**LEGISLATIVE BILL 259.** Placed on General File with amendment. AM933 is available in the Bill Room.

**LEGISLATIVE BILL 395.** Placed on General File with amendment. AM846

- 1 1. Strike original section 3.
- 2 2. On page 2, line 14, strike "as the primary factor".
- 3 3. On page 5, line 25, strike "as the primary factor".
- 4 4. Renumber the remaining section and correct the repealer
- 5 accordingly.

**LEGISLATIVE BILL 411.** Placed on General File with amendment. AM764

- 1 1. On page 5, line 5, after the period insert "The department,
- 2 association, or individual shall afford a parent or an adult sibling the
- 3 option of refusing to receive such notifications.".



4 2. On page 7, line 27, after the period insert "The court shall make  
5 a determination as to whether reasonable efforts have been made by the  
6 department to facilitate sibling placement and sibling visitation or  
7 other ongoing interaction and whether such placement and visitation or  
8 other ongoing interaction is contrary to safety or well-being of any of  
9 the siblings.".

**LEGISLATIVE BILL 526.** Placed on General File with amendment.  
AM930

1 1. Strike original sections 1, 2, 3, and 5 and insert the following  
2 new section:  
3 Sec. 2. Original section 25-1577, Reissue Revised Statutes of  
4 Nebraska, is repealed.  
5 2. Renumber the remaining section accordingly.

**LEGISLATIVE RESOLUTION 26.** Reported to the Legislature for further consideration.

**LEGISLATIVE RESOLUTION 27.** Reported to the Legislature for further consideration.

(Signed) Laura Ebke, Chairperson

#### **GENERAL FILE**

**LEGISLATIVE BILL 68.** The Chambers motion, MO70, found on page 924 and considered in this day's Journal, to recommit to committee, was renewed.

Senator Chambers offered the following motion:  
MO82  
Bracket until June 2, 2017.

Senator Chambers withdrew his motion to bracket.

Senator Morfeld offered the following motion:  
MO83  
Bracket until June 2, 2017.

Senator Hilgers offered the following motion:  
MO84  
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Hilgers moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Senator Hilgers requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 33:

Albrecht	Craighead	Hilgers	Linehan	Smith
Baker	Ebke	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Hughes	McCollister	Watermeier
Brasch	Friesen	Kolterman	McDonnell	Wayne
Brewer	Geist	Kuehn	Murante	Williams
Briese	Groene	Larson	Riepe	
Clements	Halloran	Lindstrom	Scheer	

Voting in the negative, 8:

Blood	Crawford	Kolowski	Pansing Brooks
Chambers	Hansen	Morfeld	Quick

Present and not voting, 5:

Bolz	Krist	Schumacher	Vargas	Wishart
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Excused and not voting, 3:

Harr	Howard	Walz
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The Hilgers motion to invoke cloture prevailed with 33 ayes, 8 nays, 5 present and not voting, and 3 excused and not voting.

The Morfeld motion to bracket failed with 11 ayes, 31 nays, 4 present and not voting, and 3 excused and not voting.

The Chambers motion to recommit to committee failed with 12 ayes, 30 nays, 4 present and not voting, and 3 excused and not voting.

The committee amendment, AM630, was adopted with 33 ayes, 11 nays, 2 present and not voting, and 3 excused and not voting.

Senator Murante requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Albrecht	Craighead	Hilgers	Linehan	Smith
Baker	Ebke	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Hughes	McCollister	Watermeier
Brasch	Friesen	Kolterman	McDonnell	Williams
Brewer	Geist	Kuehn	Murante	
Briese	Groene	Larson	Riepe	
Clements	Halloran	Lindstrom	Scheer	

Voting in the negative, 12:

Blood	Hansen	Morfeld	Vargas
Chambers	Kolowski	Pansing Brooks	Wayne
Crawford	Krist	Quick	Wishart

Present and not voting, 2:

Bolz            Schumacher

Excused and not voting, 3:

Harr            Howard        Walz

Advanced to Enrollment and Review Initial with 32 ayes, 12 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 158.** The Krist motion, MO79, found in this day's Journal, to reconsider the vote taken on AM996, was renewed.

Senator Crawford moved the previous question. The question is, "Shall the debate now close?"

Senator Hansen moved for a call of the house. The motion prevailed with 23 ayes, 5 nays, and 21 not voting.

The motion to cease debate prevailed with 25 ayes, 10 nays, 8 present and not voting, and 6 excused and not voting.

The Krist motion to reconsider prevailed with 27 ayes, 10 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The Pansing Brooks amendment, AM996, found in this day's Journal, to the committee amendment, was reconsidered.

Senator Hughes offered the following motion:

MO87

Bracket until June 2, 2017.

Pending.

#### **AMENDMENT(S) - Refile in Journal**

Senator McDonnell refiled his amendment, AM789, found on page 846 and considered in this day's Journal, to LB72.

**AMENDMENT(S) - Print in Journal**

Senator Stinner filed the following amendment to LB233:  
AM998 is available in the Bill Room.

Senator Chambers filed the following amendments to LB68:

FA60

Amend AM630

Strike section 1.

FA61

Amend AM630

Strike section 2.

FA62

Amend AM630

Strike section 3.

FA63

Amend AM630

Strike section 5.

**MOTION(S) - Print in Journal**

Senator Chambers filed the following motions to LB68:

MO85

Recommit to the Government, Military and Veterans Affairs Committee.

MO86

Bracket until June 2, 2017.

**AMENDMENT(S) - Print in Journal**

Senator Kolterman filed the following amendment to LB415:

AM1000

(Amendments to Standing Committee amendments, AM923)

1 1. On page 45, line 18; page 46, line 22; page 136, line 15; and

2 page 137, line 20, strike "rendered" and insert "beginning".

3 2. On page 46, line 4, strike "his or her", show as stricken, and

4 insert "the employee's", and in lines 24 and 25 strike "his or her" and

5 insert "the employee's".

6 3. On page 47, line 25, after the first "the" insert "service and";

7 in line 26 strike "and" and insert

8 "(iv) Accelerating the payment from the employer due to unforeseen

9 circumstances that occur before payment is made pursuant to this section,

10 including, but not limited to, the employee's termination or retirement

11 or the employer's reorganization, consolidation, merger, or closing;

12 and"; and in line 27 strike "(iv)" and insert "(v)".

13 4. On page 59, line 12, strike "his or her", show as stricken, and

- 14 insert "the judge's"; and in lines 30 and 31 strike "he or she" and  
 15 insert "the judge".
- 16 5. On page 60, lines 1, 2, 3, 5, and 10, strike "court" and insert  
 17 "state court administrator"; in line 13 after the first "the" insert  
 18 "service and"; in line 14 strike "and" and insert  
 19 "(d) Accelerating the payment from the state court administrator due  
 20 to unforeseen circumstances that occur before payment is made pursuant to  
 21 this section, including, but not limited to, the judge's termination or  
 22 retirement or the court's reorganization, consolidation, or merger; and";  
 23 and in line 15 strike "(d)" and insert "(e)".
- 24 6. On page 68, line 7, strike "unreduced"; and in line 21 strike  
 25 "retirement" and insert "termination".
- 26 7. On page 73, strike lines 18 through 23 and insert  
 1 "(39) Service in any capacity means, but is not limited to, working  
 2 as (a) a volunteer, (b) a full-time or part-time employee, regular  
 3 employee, school employee, substitute employee, temporary employee, or  
 4 interim employee, (c) an independent contractor, a subcontractor, a  
 5 consultant, or a contractor with a third party, (d) as defined in  
 6 subdivision (30) of section 79-978 of the Class V School Employees  
 7 Retirement System, or (e) in any other category of work;".
- 8 8. On page 75, line 5, strike "retirement date" and insert  
 9 "termination".
- 10 9. On page 77, lines 18 and 26, strike "retirement" and insert  
 11 "termination"; and in line 28 strike "an" and insert "any".
- 12 10. On page 81, line 1, strike "his or her", show as stricken, and  
 13 insert "the member's".
- 14 11. On page 82, line 1, after the first "the" insert "service and";  
 15 in line 2 strike "and" and insert  
 16 "(iv) Accelerating the payment from the employer due to unforeseen  
 17 circumstances that occur before payment is made pursuant to this section,  
 18 including, but not limited to, the member's termination or retirement or  
 19 the employer's reorganization, consolidation, merger, or closing; and";  
 20 and in line 3 strike "(iv)" and insert "(v)".
- 21 12. On page 83, line 3; and page 87, line 14, before "who" insert  
 22 "or former member".
- 23 13. On page 95, line 26, strike "unreduced".
- 24 14. On page 96, line 9, strike "retirement" and insert  
 25 "termination".
- 26 15. On page 98, strike lines 30 through 31.
- 27 16. On page 99, strike lines 1 through 3 and insert  
 28 "(30) Service in any capacity means, but is not limited to, working  
 29 as (a) a volunteer, (b) a full-time or part-time employee, substitute  
 30 employee, temporary employee, or interim employee, (c) an independent  
 31 contractor, a subcontractor, a consultant, or a contractor with a third  
 1 party, (d) as defined in subdivision (39) of section 79-902 of the School  
 2 Employees Retirement System, or (e) in any other category of work;"; and  
 3 in line 31 strike "retirement date" and insert "termination".
- 4 17. On page 104, lines 15 and 21, strike "retirement" and insert  
 5 "termination".

- 6 18. On page 116, line 11, strike "his or her", show as stricken, and  
7 insert "the officer's".
- 8 19. On page 117, line 12, after the first "the" insert "service  
9 and"; in line 13 strike "and" and insert  
10 "(iv) Accelerating the payment from the employer due to unforeseen  
11 circumstances that occur before payment is made pursuant to this section,  
12 including, but not limited to, the officer's termination or retirement or  
13 the employer's reorganization, consolidation, merger, or closing; and";  
14 and in line 14 strike "(iv)" and insert "(v)".
- 15 20. On page 137, line 2, strike "his or her", show as stricken, and  
16 insert "the employee's"; and in lines 22 and 23 strike "his or her" and  
17 insert "the employee's".
- 18 21. On page 138, line 23, after the first "the" insert "service  
19 and"; in line 24 strike "and" and insert  
20 "(iv) Accelerating the payment from the employer due to unforeseen  
21 circumstances that occur before payment is made pursuant to this section,  
22 including, but not limited to, the employee's termination or retirement  
23 or the employer's reorganization, consolidation, merger, or closing;  
24 and"; and in line 25 strike "(iv)" and insert "(v)".

### VISITORS

Visitors to the Chamber were 200 social work students and faculty from Chadron State College, Creighton University, The Grace Abbott School of Social Work at UNO, Nebraska Wesleyan University of Lincoln and Omaha, Union College, and the University of Nebraska at Kearney; and 20 fourth-grade students and sponsors from Adams Central Wallace, Hastings.

### ADJOURNMENT

At 5:07 p.m., on a motion by Senator Geist, the Legislature adjourned until 9:00 a.m., Thursday, April 13, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTY-FIFTH DAY - APRIL 13, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**SIXTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 13, 2017

**PRAYER**

The prayer was offered by Pastor Katie Barrett-Todd, Dunbar Presbyterian Church, Dunbar.

**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 Senator Geist who was excused; and Senators Bolz, Brewer, Craighead, McCollister, Stinner, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-fourth day was approved.

**COMMUNICATION(S)**

April 12, 2017

Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. Clerk:

As Chairperson of the Special Committee regarding the Election Challenge to the Qualification of Senator Ernie Chambers filed by Mr. John Sciara, I hereby file with your office the *Report of the Special Committee*.

Sincerely,  
(Signed) Senator Dan Watermeier  
Chairman, Special Committee

**REPORT OF THE SPECIAL COMMITTEE  
ON THE ELECTION CHALLENGE**

IN RE: SPECIAL COMMITTEE ON THE ELECTION CHALLENGE TO THE QUALIFICATION OF SENATOR ERNEST W. CHAMBERS OF DISTRICT 11

John Sciara (the “Challenger”), challenged Senator Ernest W. Chambers’ (the “Incumbent”), qualifications to represent District 11 in the Nebraska Legislature. The Challenger alleges the Incumbent is not qualified to represent Legislative District 11 because he did not reside in the district for one year before he was elected.<sup>1</sup> On November 15, 2016, the Challenger filed his Petition of Qualifications Challenge (“Petition”) to contest the Incumbent’s residency qualifications. This is the first opportunity a Special Committee of the Legislature has had to consider a qualifications challenge against a Senator. The Special Committee (the “Committee”) convened on April 7, 2017, to consider the Challenger’s allegations. After considering the evidence offered at the hearing, the Committee recommends that the Challenger’s Petition be dismissed.

**STATUTORY AUTHORITY**

Under Legislative Rule 10, § 4, “[e]lection contests and qualifications challenges shall be heard and determined as expeditiously as possible under adversary procedures wherein each party to the proceedings has a reasonable opportunity to present his claim, any defense and arguments and to respond to those of his opponents.”<sup>2</sup> Neb. Rev. Stat. §§ 32-1101 to 32-1117 govern election contests. Section 32-1101 provides, in relevant part:

Sections 32-1101 to 32-1117 shall apply to contests of any election. The election of any person to an elective office, the location or relocation of a county seat, or any proposition submitted to a vote of the people may be contested: . . . (2) If the incumbent was not eligible to the office at the time of the election . . . .<sup>3</sup>

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<sup>1</sup> See Neb. Const. art. III, § 8 (“No person shall be eligible to the office of member of the Legislature unless on the date of the general election at which he is elected, or on the date of his appointment he . . . has resided within the district from which he is elected for the term of one year next before his election . . .”).

<sup>2</sup> R. Neb. Unicameral Leg. 10, § 4.

<sup>3</sup> Neb. Rev. Stat. § 32-1101.



In addition, the Legislature has adopted Rule 10 to govern challenges to a candidate's qualifications for the Legislature. Rule 10 § 1(b) provides, in relevant part:

A qualifications challenge shall place in issue only the qualifications of a person elected as a member of the Legislature under the Constitution. A qualifications challenge shall only determine whether a person elected to the Legislature is qualified to hold or retain the seat.<sup>4</sup>

Under the Election Act, the term "residence" means:

(1) that place in which a person is actually domiciled, which is the residence of an individual or family, with which a person has a settled connection for the determination of his or her civil status or other legal purposes because it is actually or legally his or her permanent and principal home, and to which, whenever he or she is absent, he or she has the intention of returning, (2) the place where a person has his or her family domiciled even if he or she does business in another place, and (3) if a person is homeless, the county in which the person is living. No person serving in the armed forces of the United States shall be deemed to have a residence in Nebraska because of being stationed in Nebraska.<sup>5</sup>

#### STATEMENT OF FACTS

The Incumbent was first elected to the Legislative seat in District 11 in 1970 and re-elected to consecutive terms until 2008 when he became ineligible to seek re-election because of term limits. On November 8, 2016, Incumbent was again elected to the District 11 Legislative seat winning over eighty percent of the votes cast. After the Challenger filed his Petition, the Incumbent was seated conditionally until the Committee could convene a hearing. The evidence adduced at the hearing is as follows:

The Incumbent has resided at different addresses in District 11 throughout his legislative career. He resided at 19th and Lothrop with his wife and children but moved to an apartment at 3122 North 24th Street after he and his wife divorced. In 1986, he moved to 1825 Binney Street, which is also located in District 11. In 2006, he purchased the Binney Street residence. At the hearing, the Incumbent testified that the Binney Street residence is his home and domicile. The Incumbent lives by himself. He is not married and his children are grown. The Incumbent offered several exhibits that support his testimony that the Binney Street residence is his home and domicile, including:

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<sup>4</sup> R. Neb. Unicameral Leg. 10, § 1(b).

<sup>5</sup> Neb. Rev. Stat. § 32-116.

- The deed to his house;
- Real property tax statement;
- Homeowners insurance renewal certificate;
- Vehicle registration;
- Auto renewal policy;
- Life insurance premium notice;
- Credit union statement;
- Mailing samples;
- Omaha World Herald subscription;
- Telephone directory excerpt; and
- Utility statements.

Each one of these Exhibits shows the Incumbent's address as 1825 Binney Street, Omaha, Nebraska 68110. Additionally, the Incumbent offered invoices from several contractors showing the repair and maintenance he has done on his residence. Finally, the Incumbent offered a certified copy of his voter registration. His registration shows that he has been a registered voter in District 11 since 1960.

The Challenger alleges he heard rumors that the Incumbent resided in Bellevue with his Legislative assistant, Cynthia Grandberry. Ms. Grandberry testified that she has been the Incumbent's legislative assistant since 1972. She lives at 2914 Jack Pine Circle, Bellevue, Nebraska 68123, and she has lived there since 2000. Ms. Grandberry's mother lived with her until she entered a care facility. Since then Ms. Grandberry has lived alone. Ms. Grandberry and the Incumbent carpool daily to and from Lincoln. The Incumbent parks in her driveway or in her garage. Sometimes the Incumbent and Ms. Grandberry eat supper together but more often than not only eat lunch together at the Capital. The Incumbent often uses Ms. Grandberry's computer and copier to prepare handouts during the Legislative session. Ms. Grandberry testified that the Incumbent does not live with her.

Senator Carol Blood is Ms. Grandberry's neighbor. She lives down the street from Ms. Grandberry at 2812 Jack Pine Street, Bellevue, Nebraska 68123. Senator Blood testified that she and Ms. Grandberry live in a small neighborhood and they "know what goes on in their neighborhood." There are only two ways in and out of the neighborhood. But there is only one direct route out of the neighborhood from Ms. Grandberry's home, which is located in a cul-de-sac. That route runs directly in front of Senator Blood's home. Senator Blood testified that she regularly sees the Incumbent and Ms. Grandberry carpool together. She also testified that she has not observed the Incumbent staying at Ms. Grandberry's house. Senator Blood testified that the Incumbent "does not live there."

The Challenger did not offer any exhibits to rebut the Incumbent's evidence. He did attempt to impeach Senator Blood's testimony by calling Senator John Lowe to testify. Senator Lowe testified that at the new Senator orientation, he and Senator Blood had a conversation in which Senator Blood said she sees the Incumbent "all the time" and that she sees the

Incumbent “drive by all the time.” Instead of impeaching Senator Blood’s testimony, these statements are consistent with Senator Blood’s, and Ms. Grandberry’s, testimony that the Incumbent and Ms. Grandberry carpool daily to and from Lincoln.

The Challenger also questioned the amount of water usage on the Incumbent’s MUD bill and inferred from the MUD bill that it was low. But the Challenger failed to offer evidence to establish what is considered low water use or what normal water use is for a single person household. Finally, the Challenger testified that he attempted to observe the Incumbent at his residence. First, the Challenger testified that he has observed the Incumbent in District 11 at various times. But on one occasion at 2:00 a.m. he parked near the Incumbent’s residence and did not observe the Incumbent’s vehicle or observe the Incumbent leave his residence in the morning. Also, the Challenger testified that he parked in an alley near Ms. Grandberry’s residence at 4:30 a.m. one morning and observed the Incumbent drive by. On cross-examination, the Challenger admitted that the early morning observations were made after the November 8, 2016 election.

It is on this scant record that the Challenger asks the Committee to recommend that the Legislature overturn the District 11 election results in which over eighty percent of District 11 voters voted for the Incumbent.

#### APPLICATION OF THE FACTS TO THE LAW

In his Petition, the Challenger alleged that the Incumbent “while having a residence in North Omaha, actually domiciles in Bellevue, making him ineligible under the Nebraska Constitution for failing to meet the requirement to reside in the district for one year prior to election date.” The Challenger’s Petition is a qualifications challenge. In a qualifications challenge, the burden of proof is on the party disputing the election results.<sup>6</sup>

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<sup>6</sup> See *State ex rel. Johnson v. Hagemeister*, 161 Neb. 475, 476 HN1, 73 N.W.2d 625, 627 HN1 (1955) (One who sues to recover a public office has the burden of proving every fact essential to his title, his recovery depending upon the strength of his own title and not upon the weakness of the claim of his adversary); *Arends v. Whitten*, 172 Neb. 297, 300, 109 N.W.2d 363, 365 (1961) (“In an election contest on the ground that, through ‘ignorance and mistake’ of election officers, enough illegal votes were cast in a voting precinct to change the result of the election, the burden is on contestant to prove the casting of the illegal votes and also the candidates for whom they were cast.” (quoting *Mehrens v. Election Canvassing Bd.*, 134 Neb. 151, 278 N.W. 252 (1938))); *Plouzek v. Saline Cnty. Reorganization Comm.*, 181 Neb. 440, 442 HN2, 148 N.W.2d 919, 921 HN2 (1967) (A party disputing the results of an election upon the basis that illegal votes were cast or legal votes rejected has the burden of showing not only that such votes were sufficient in number to change the result of the election, but that a change actually resulted therefrom).

The Challenger has the burden to prove by the greater weight of the evidence that the Incumbent “actually domiciles in Bellevue.” The Challenger did not meet his burden of proof.

In Nebraska, the terms “residence” and “domicile” are generally convertible terms.<sup>7</sup> Nebraska courts have long held that residency or domicile is determined by the person’s subjective intent supported by objective facts. “It is not residence alone, but it is the intention of the person, expressed or implied from the facts in evidence, conjoined with residence, that determines domicile.”<sup>8</sup> A person establishes his or her domicile by physical presence in a place and his or her state of mind concerning his or her intent to remain there.<sup>9</sup> Long ago the Nebraska Supreme Court said “[i]t is elementary and it is the universal rule that residence in a community is determined by the intention of the parties.”<sup>10</sup>

Furthermore, domicile depends upon no one fact or combination of circumstances.<sup>11</sup> “[A]ll of the surrounding circumstances and the conduct of the person must be taken into consideration to determine his domicile.”<sup>12</sup> In general, the domicile of an individual is his or her “true, fixed and permanent home and place of habitation. It is the place to which, whenever he is absent, he has the intention of returning.”<sup>13</sup>

Yet, Nebraska law recognizes that a person may have two places of residence.<sup>14</sup> But only one of them may be his or her domicile.<sup>15</sup> “One

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<sup>7</sup> *Gosney v. Dep’t of Pub. Welfare*, 206 Neb. 137, 143, 291 N.W.2d 708, 713 (1980) (quoting *Wood v. Roeder*, 45 Neb. 311, 315, 63 N.W. 853, 855 (1895)).

<sup>8</sup> *State v. Jensen*, 269 Neb. 213, 219, 691 N.W.2d 139, 145 (2005) (quoting *In re Estate of Meyers*, 137 Neb. 60, 67, 288 N.W. 35, 38 (1939)).

<sup>9</sup> *Jensen*, at 218, 691 N.W.2d at 144 (citing *Mississippi Choctaw Indians Band v. Holyfield*, 490 U.S. 30, 48, 109 S. Ct. 1597, 104 L. Ed. 2d 29 (1989); *Texas v. Florida*, 306 U.S. 398, 59 S. Ct. 563, 83 L. Ed. 817 (1939)).

<sup>10</sup> *Wray v. Wray*, 149 Neb. 376, 381, 31 N.W.2d 228, 231-32 (1948) (quoting *Williams v. Williams*, 101 Neb. 369, 162 N.W. 147 (1917)).

<sup>11</sup> *State v. Jones*, 202 Neb. 488, 492, 275 N.W.2d 851, 853 (1979) (citation omitted).

<sup>12</sup> *Jones*, 202 Neb. at 492, 275 N.W.2d at 853 (citation omitted).

<sup>13</sup> *Gosney*, 206 Neb. at 143, 291 N.W.2d at 713 (quoting *Vlandis v. Kline*, 412 U.S. 441, 453 (1973)).

<sup>14</sup> *Jones*, 202 Neb. at 491, 275 N.W.2d at 853.

<sup>15</sup> *Id.*

acquires a 'domicile of origin' at birth, and that domicile continues until a new one, a 'domicile of choice,' is acquired."<sup>16</sup> "In order to effect a change of domicile there must not only be a change of residence, but an intention to permanently abandon the former home. The mere residing at a different place, although evidence of a change, is, however long continued, *per se* insufficient."<sup>17</sup> To acquire a domicile by choice there must be evidence of: "(1) Residence (bodily presence) in the new locality, and (2) an intention there to remain. . . . Act and intent must, therefore, concur, and the absence of either of these thwarts the change."<sup>18</sup>

Also, "[o]ne fact of particular significance in ascertaining a person's domicile is the act of registering and voting."<sup>19</sup> On this point, the Nebraska Supreme Court noted the importance of registering to vote:

In doubtful cases particular significance should be attached to the repeated exercise of the right to vote, because this right depends upon citizenship and domicile, and must be generally, if not universally, supported by the oath of the voter. Such act is a distinct, unequivocal and public assertion by the voter of his legal domicile.<sup>20</sup>

Here, the greater weight of the evidence shows that the Incumbent was domiciled in District 11 at 1825 Binney Street "for the term of one year next before his election."<sup>21</sup> The Incumbent purchased that residence in 2006 but resided in it for several years before. He maintains the residence, receives mail and the newspaper at his residence and testified that it is his domicile. The Incumbent insures the property, pays taxes on the property and registers his vehicle at that address. Moreover, as Nebraska law instructs, the most significant fact is that the Incumbent has repeatedly exercised his right to vote in District 11,<sup>22</sup> has been a registered voter at the Binney Street address since 1986,<sup>23</sup> and has been a registered voter in District 11 since 1960.<sup>24</sup>

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<sup>16</sup> *Jensen*, 269 Neb. at 218, 691 N.W.2d at 144 (quoting *In re Jones' Estate*, 192 Iowa 78, 81, 182 N.W. 227, 228 (1921)).

<sup>17</sup> *Gosney*, 206 Neb. at 143, 291 N.W.2d at 713 (quoting *State v. School District*, 55 Neb. 317, 320, 75 N.W. 855, 856 (1898)) (internal quotation marks omitted).

<sup>18</sup> *Jones*, 202 Neb. at 492, 275 N.W.2d at 853 (citation omitted).

<sup>19</sup> *Jensen*, 269 Neb. at 218, 691 N.W.2d at 144 (citing *In re Meyers' Estate*, 137 Neb. 60, 288 N.W. 35 (1939)).

<sup>20</sup> *Id.*, 269 Neb. at 218-19, 691 N.W.2d at 144-45 (quoting *In re Meyers' Estate*, 137 Neb. at 66, 288 N.W. at 38).

<sup>21</sup> *See* Neb. Const. art. III, § 8, *supra* note 1.

<sup>22</sup> Exhibit 109.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*, Attachment C.

The Challenger's evidence, in contrast, was no more than rumor, hearsay and innuendo. Even viewing the Challenger's evidence in the most favorable light, the Challenger established nothing more than the Incumbent has not always been physically present at his home on Binney Street. That evidence is "per se insufficient."<sup>25</sup> In fact, the *State v. Jensen*<sup>26</sup> case the Challenger cited as legal authority at the hearing, says as much. There, the State alleged that Jensen illegally voted in the Royal village trustee election because he did not reside in the village of Royal. The evidence showed that Jensen averaged five to ten nights sleeping at his home in Royal, but twenty to twenty-six nights sleeping at his family's farm, which was located outside the village of Royal. Jensen was convicted of illegal voting because the trial court concluded that the evidence showed a lack of "habitual habitation" at the home in Royal.<sup>27</sup> On appeal, however, the Supreme Court determined that "habitual habitation" was not the appropriate standard because in 1994 the Legislature amended the Election Act and deleted the phrase "habitual habitation" from the definition of "residence."<sup>28</sup> Accordingly, the Supreme Court concluded that "the county court erred in concluding that 'habitual habitation' was necessary to establish residence for voting purposes, because whether a voter is habitually present at a particular residence is not dispositive of the issue of domicile."<sup>29</sup>

Here, the Challenger's argument appears to be nothing more than the Incumbent is not "habitually present" at 1825 Binney Street. The Challenger's argument and evidence, however, do not support his contention that the Incumbent's domicile is somewhere other than 1825 Binney Street. The Committee finds that the Challenger failed to prove a change in the Incumbent's residence or that the Incumbent permanently abandon his

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<sup>25</sup> *Gosney*, 206 Neb. at 143, 291 N.W.2d at 713 (quoting *School District*, 55 Neb. at 320, 75 N.W. at 856).

<sup>26</sup> 269 Neb. 213, 691 N.W.2d 139 (2005).

<sup>27</sup> *Jensen*, 269 Neb. at 216, 691 N.W.2d at 143.

<sup>28</sup> *Id.*, 269 Neb. at 220, 691 N.W.2d at 146 ("Although § 32-1528 includes the phrase 'actually reside,' it does not require habitual presence. Prior to amendment, Neb. Rev. Stat. § 32-107 (Reissue 1993) provided: 'Residence shall mean that place at which a person has established his home, where he is habitually present, and to which when he departs he intends to return.' However, § 32-107 was amended in 1994, see 1994 Neb. Laws, L.B. 76, and the definition of residence for purposes of the Election Act is now found in § 32-116(1), which states that a residence is 'that place . . . with which a person has a settled connection for the determination of his or her civil status or other legal purposes.'").

<sup>29</sup> *Id.*, 269 Neb. at 220, 691 N.W.2d at 145.

residence at 1825 Binney Street.<sup>30</sup> Thus the weight of the evidence and Nebraska law compel the Committee to recommend that the Legislature deny the Challenger's qualifications challenge and dismiss the Challenger's Petition.

### CONCLUSION

In construing Article III, § 8 of the Nebraska Constitution, the Committee unanimously concludes that the Challenger, John Sciara, did not meet his burden of proving that the Incumbent, Senator Ernest W. Chambers, "actually domiciles in Bellevue." The Committee further concludes that the Incumbent "has resided within [District 11] for the term of one year next before his election." The Committee therefore recommends that the Legislature deny the Challenger's qualifications challenge and dismiss his Petition. The original hearing transcript and the exhibits the Committee received are being filed contemporaneously with this report.

Dated this 12th day of April, 2017.

(Signed) Senator Dan Watermeier, Chairman  
(Signed) Senator Kate Bolz  
(Signed) Senator Sue Crawford  
(Signed) Senator Dan Hughes  
(Signed) Senator John Kuehn  
(Signed) Senator John McCollister  
(Signed) Senator Jim Scheer

### 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>

### MOTION(S) - Confirmation Report(s)

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 888:

Nebraska Investment Council  
Richard DeFusco

Voting in the affirmative, 30:

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<sup>30</sup> *Gosney*, 206 Neb. at 143, 291 N.W.2d at 713 (quoting *School District*, 55 Neb. at 320, 75 N.W. at 856).

Albrecht	Ebke	Hilkemann	Lindstrom	Riepe
Baker	Erdman	Howard	Linehan	Scheer
Bostelman	Friesen	Kolowski	Lowe	Schumacher
Brasch	Halloran	Kolterman	McDonnell	Smith
Clements	Hansen	Krist	Pansing Brooks	Vargas
Crawford	Hilgers	Larson	Quick	Walz

Voting in the negative, 0.

Present and not voting, 10:

Blood	Chambers	Harr	Kuehn	Watermeier
Briese	Groene	Hughes	Morfeld	Williams

Excused and not voting, 9:

Bolz	Craighead	McCollister	Stinner	Wishart
Brewer	Geist	Murante	Wayne	

The appointment was confirmed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 253.** Title read. Considered.

Committee AM693, found on page 811, was offered.

Senator Crawford offered her amendment, AM829, found on page 919, to the committee amendment.

The Crawford amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 628.** Senator Chambers renewed his motion, MO78, found on page 1010, to reconsider the vote taken to recommit to committee.

Pending.



**AMENDMENT(S) - Print in Journal**

Senator Groene filed the following amendment to LB478:  
AM988

1. Insert the following new section:
2. Sec. 3. Since an emergency exists, this act takes effect when
3. passed and approved according to law.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 102.** Introduced by McCollister, 20; Harr, 8.

WHEREAS, Lisa Yanney Roskens, along with the Omaha Equestrian Foundation, presented the 2017 Longines Fédération Equestre Internationale (FEI) World Cup Jumping Finals and the 2017 FEI World Cup Dressage Finals in Omaha; and

WHEREAS, the FEI World Cup Finals is the most prestigious championship for equestrian sports, attracting the top riders and horses in the world, including Olympic, World, and European champions representing 27 countries; and

WHEREAS, the FEI World Cup Finals was the first global championship hosted in Omaha; and

WHEREAS, due to the professional vision of Lisa Yanney Roskens, the State of Nebraska is not only a hub for amateur national championships, but has the potential to be a hub for global professional championships as well.

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

1. That the Legislature hereby congratulates and honors Lisa Yanney Roskens and the Omaha Equestrian Foundation for presenting the 2017 Longines FEI World Cup Jumping Finals & FEI World Cup Dressage Finals.

2. That a copy of this resolution be sent to Lisa Yanney Roskens and the Omaha Equestrian Foundation.

Laid over.

**MESSAGE(S) FROM THE GOVERNOR**

April 10, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Natural Resources Commission:

Mark Czaplewski, 2747 Lakewood Drive, Grand Island, NE 68801

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

April 10, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Emergency Response Commission:

Steven F. Danon, 4804 South 160 Street, Omaha, NE 68135

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

**COMMITTEE REPORT(S)**  
Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Greg Moen - Nebraska Power Review 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(S)**  
Health and Human Services

**LEGISLATIVE BILL 333.** Placed on General File with amendment.  
AM1022

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 68-1005, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 68-1005 In order to qualify for assistance to the disabled, an  
6 individual shall, in addition to the requirements set forth in section  
7 68-1002, be considered to be disabled if he or she is unable to engage in  
8 any substantial gainful activity by reason of any medically determinable  
9 physical or mental impairment which can be expected to result in death or  
10 which has lasted or can be expected to last for a continuous period of  
11 not less than one year ~~one hundred eighty days~~ or, in the case of a child  
12 under eighteen years of age, if he or she suffers from any medically  
13 determinable physical or mental impairment of comparable severity. In  
14 determining eligibility for assistance to the disabled, the Department of  
15 Health and Human Services may adopt the determination of the Social  
16 Security Administration that an individual is or is not disabled for the  
17 purposes of the federal programs of Supplemental Security Income or Old  
18 Age Survivors' and Disability Insurance. A county board may furnish to an  
19 individual medical services or maintenance support based on disability as  
20 described in this section ~~, except that if the Social Security~~  
21 ~~Administration has denied benefits to an individual on the basis of the~~  
22 ~~duration of the individual's disability, the department shall perform an~~  
23 ~~independent medical review of such individual's disability.~~  
24 Sec. 2. Section 71-1107, Revised Statutes Cumulative Supplement,  
25 2016, is amended to read:  
26 71-1107 Developmental disability means a severe, chronic disability,  
27 including an intellectual disability, other than mental illness, which:  
1 ~~an intellectual disability or a severe chronic cognitive impairment,~~  
2 ~~other than mental illness, that is manifested before the age of twenty-~~  
3 ~~two years and is likely to continue indefinitely.~~  
4 (1) Is attributable to a mental or physical impairment unless the  
5 impairment is solely attributable to a severe emotional disturbance or  
6 persistent mental illness;  
7 (2) Is manifested before the age of twenty-two years;  
8 (3) Is likely to continue indefinitely;  
9 (4) Results in substantial functional limitations in one of each of  
10 the following areas of adaptive functioning:  
11 (a) Conceptual skills, including language, literacy, money, time,  
12 number concepts, and self-direction;  
13 (b) Social skills, including interpersonal skills, social  
14 responsibility, self-esteem, gullibility, wariness, social problem  
15 solving, and the ability to follow laws and rules and to avoid being

16 victimized; and  
 17 (c) Practical skills, including activities of daily living, personal  
 18 care, occupational skills, health care, mobility, and the capacity for  
 19 independent living; and  
 20 (5) Reflects the individual's need for a combination and sequence of  
 21 special, interdisciplinary, or generic services, individualized support,  
 22 or other forms of assistance that are of lifelong or extended duration  
 23 and are individually planned and coordinated.  
 24 An individual from birth through the age of nine years who has a  
 25 substantial developmental delay or specific congenital or acquired  
 26 condition may be considered to have a developmental disability without  
 27 manifesting substantial functional limitations in three or more of the  
 28 areas of adaptive functioning described in subdivision (4) of this  
 29 section if the individual, without services and support, has a high  
 30 probability of manifesting such limitations in such areas later in life.  
 31 Sec. 3. Section 71-1108.01, Revised Statutes Cumulative Supplement,  
 1 2016, is amended to read:  
 2 71-1108.01 Intellectual disability means ~~a state of~~ significantly  
 3 subaverage general intellectual functioning which is associated with  
 4 significant impairments in adaptive functioning manifested before the age  
 5 of twenty-two years. Significant subaverage general intellectual  
 6 functioning shall refer to a score of seventy or below on a properly  
 7 administered and valid intelligence quotient test.  
 8 Sec. 4. Section 83-1201, Revised Statutes Cumulative Supplement,  
 9 2016, is amended to read:  
 10 83-1201 Sections 83-1201 to 83-1227 and section 9 of this act shall  
 11 be known and may be cited as the Developmental Disabilities Services Act.  
 12 Sec. 5. Section 83-1202, Reissue Revised Statutes of Nebraska, is  
 13 amended to read:  
 14 83-1202 It is the intent of the Legislature that:  
 15 (1) All persons with developmental disabilities shall receive  
 16 services and assistance which present opportunities to increase their  
 17 independence, productivity, and integration into the community;  
 18 (2) All persons with developmental disabilities shall have access to  
 19 a full array of services appropriate for them as individuals;  
 20 (3) All persons with developmental disabilities shall have a right,  
 21 ~~to the maximum extent possible~~, to live, work, and recreate with people  
 22 who are not disabled;  
 23 (4) All persons with developmental disabilities shall, ~~to the~~  
 24 ~~maximum extent possible~~, be served in their communities and should only  
 25 be served by specialized programs when their needs cannot be met through  
 26 general services available to all persons, including those without  
 27 disabilities;  
 28 (5) All persons with developmental disabilities shall have the right  
 29 to receive age-appropriate services consistent with their individual  
 30 needs, potentials, and abilities;  
 31 (6) All persons with developmental disabilities shall be afforded  
 1 the same rights, dignity, and respect as members of society who are not  
 2 disabled; and

3 (7) Persons who deliver services to persons with developmental  
4 disabilities shall be assured a uniform system of compensation and  
5 training and a full range of work-site enhancements which attract and  
6 retain qualified employees; ;

7 ~~(8) The first priority of the state in responding to the needs of~~  
8 ~~persons with developmental disabilities should be to ensure that all such~~  
9 ~~persons have sufficient food, housing, clothing, medical care, protection~~  
10 ~~from abuse or neglect, and protection from harm; and~~

11 ~~(9) The second priority of the state in responding to the needs of~~  
12 ~~persons with developmental disabilities should be to ensure that all such~~  
13 ~~persons receive appropriate assessment of their needs, planning to meet~~  
14 ~~their needs, information about services available to meet their needs,~~  
15 ~~referral to services matched to their needs, coordination of services~~  
16 ~~delivered, support sufficient to allow them to live with their natural~~  
17 ~~families or independently, transportation to facilitate access to~~  
18 ~~services, and meaningful habilitation, education, training, employment,~~  
19 ~~and recreation designed to enhance their skills, increase their~~  
20 ~~independence, and improve their quality of life.~~

21 Sec. 6. Section 83-1209, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 83-1209 To carry out the policies and purposes of the Developmental  
24 Disabilities Services Act, the director shall:

25 (1) Ensure effective management by (a) determining whether  
26 applicants are eligible for specialized services, (b) authorizing service  
27 delivery for eligible persons, (c) ensuring that services are available,  
28 accessible, and coordinated, (d) ensuring that eligible persons have  
29 their needs assessed by a team process, have individual program plans  
30 developed by a team process to address assessed needs, which plans  
31 incorporate the input of the individual and the family, and have services  
1 delivered in accordance with the program plan, (e) having the amount of  
2 funding for specialized services determined by an objective assessment  
3 process, (f) providing information and referral services to persons with  
4 developmental disabilities and their families, (g) promoting the  
5 development of pilot projects of high quality, cost-efficient services  
6 provided by specialized programs, and (h) administering the Beatrice  
7 State Developmental Center;

8 (2) Ensure a coordinated statewide response by (a) developing a  
9 comprehensive and integrated statewide plan for specialized services to  
10 persons with developmental disabilities in conjunction with state and  
11 local officials, designated advocates for such persons, service  
12 providers, and the general public, (b) reporting biennially to the  
13 Legislature, the Governor, service providers, and the public on persons  
14 served and progress made toward meeting requirements of the plan, and (c)  
15 creating a statewide registry of persons eligible for specialized  
16 services. The report submitted to the Legislature shall be submitted  
17 electronically;

18 (3) Ensure specialized services which are efficient and  
19 individualized by (a) developing a written policy which ensures the  
20 adequate and equitable distribution of fiscal resources based upon a

21 consistent rationale for reimbursement that allows funding to follow  
 22 service recipients as their service needs change and which also includes  
 23 a plan for funding shortfalls and (b) administering all state and federal  
 24 funds as may be allowed by law;

25 (4) Ensure maximum quality of services by (a) developing a due  
 26 process mechanism for resolution of disputes, (b) coordinating the  
 27 development and implementation of a quality management and improvement  
 28 plan as described in section 9 of this act ~~review teams designed to~~  
 29 ~~enhance the quality of specialized services~~, (c) developing certification  
 30 and accreditation requirements for service providers, (d) providing  
 31 technical assistance to local service providers, and (e) providing  
 1 eligible persons, their families, and the designated protection and  
 2 advocacy system authorized pursuant to the Developmental Disabilities  
 3 Assistance and Bill of Rights Act of 2000, 42 U.S.C. 15001 et seq., with  
 4 copies of all reports resulting from surveys of providers of specialized  
 5 services conducted as part of the certification and accreditation  
 6 process; and

7 (5) Establish and staff a developmental disabilities division which  
 8 shall assist in carrying out the policies and purposes of the  
 9 Developmental Disabilities Services Act.

10 Sec. 7. Section 83-1212.01, Reissue Revised Statutes of Nebraska, is  
 11 amended to read:

12 83-1212.01 (1) There is hereby created the Advisory Committee on  
 13 Developmental Disabilities. The advisory committee shall consist of a  
 14 representative of a statewide advocacy organization for persons with  
 15 developmental disabilities and their families, a representative of  
 16 Nebraska's designated protection and advocacy organization, a  
 17 representative of the Nebraska Planning Council on Developmental  
 18 Disabilities, a representative of the University Center for Excellence in  
 19 Developmental Disability Education, Research, and Service as defined in  
 20 section 68-1114, and not more than fifteen additional members. ~~At ,at~~  
 21 ~~least fifty-one percent of the members one-third of whom~~ shall be persons  
 22 ~~with developmental disabilities and family members ,at least one-third~~  
 23 ~~of whom shall be families of persons with developmental disabilities, and~~  
 24 ~~no more than one-third of whom shall be elected officials or interested~~  
 25 ~~community persons.~~

26 (2) The members shall be appointed by the Governor for staggered  
 27 terms of three years. Any vacancy shall be filled by the Governor for the  
 28 remainder of the term. One of the members shall be designated as  
 29 chairperson by the Governor. Members shall be reimbursed for their actual  
 30 and necessary expenses as provided in sections 81-1174 to 81-1177.

31 (3) The advisory committee shall advise the department regarding all  
 1 aspects of the funding and delivery of services to persons with  
 2 developmental disabilities.

3 (4) The advisory committee shall (a) provide sufficient oversight to  
 4 ensure that persons placed in the custody of the department under the  
 5 Developmental Disabilities Court-Ordered Custody Act are receiving the  
 6 least restrictive treatment and services necessary and (b) oversee the  
 7 design and implementation of the quality management and improvement plan

8 described in section 9 of this act.

9 (5) The department shall inform the advisory committee of proposed  
10 systemic changes to services for persons with developmental disabilities  
11 at least thirty days prior to implementation of the changes so that the  
12 advisory committee may provide for a response to the proposed changes. If  
13 the director determines that circumstances require implementation of the  
14 changes prior to such notice, the department shall inform the advisory  
15 committee as soon as possible. The advisory committee, in partnership  
16 with the director, shall establish criteria for the process of providing  
17 the information and receiving the response.

18 Sec. 8. Section 83-1216, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 83-1216 (1) The department shall administer the medicaid home and  
21 community-based services waivers upon application approval by the federal  
22 Centers for Medicare and Medicaid Services. Beginning July 1, 2019 ~~1995,~~  
23 persons determined to be eligible for specialized services who ~~on or~~  
24 after ~~September 6, 1993,~~ graduate from high school, reach the age of  
25 twenty-one years, or are currently receiving services shall receive  
26 services in accordance with the Developmental Disabilities Services Act.  
27 The amount of funding for any person receiving services shall be  
28 determined using an objective assessment process developed by the  
29 department and approved by the federal Centers for Medicare and Medicaid  
30 Services ~~plan in subsection (3) of this section.~~

31 (2) The department shall provide directly or by contract service  
1 coordination to Nebraska residents found to be eligible for specialized  
2 services.

3 ~~(3) It is the intent of the Legislature that by July 1, 2010, all~~  
4 ~~persons determined to be eligible for services shall receive services in~~  
5 ~~accordance with the act.~~

6 (3) (4) It is the intent of the Legislature that the department take  
7 all possible steps to maximize ~~federal funding in order to implement~~  
8 ~~subsections (1) and (2) of this section prior to the date these~~  
9 ~~subsections become entitlements.~~ All Nebraska residents eligible for  
10 funding for specialized services ~~through the Division of under the~~  
11 ~~Developmental Disabilities Services Act~~ shall apply for and accept any  
12 federal medicaid benefits for which they may be eligible and benefits  
13 from other funding sources within the department, the State Department of  
14 Education, specifically including the Division of Rehabilitation  
15 Services, and other agencies to the maximum extent possible.

16 (4) The priorities for funding under this section are as follows:

17 (a) The first funding priority of the state shall be responding to  
18 the needs of persons with developmental disabilities in immediate crisis  
19 due to caregiver death, homelessness, or a threat to the life and safety  
20 of the person;

21 (b) The second funding priority of the state in responding to the  
22 needs of persons with developmental disabilities shall be for persons  
23 that have resided in an institutional setting for a period of at least  
24 twelve consecutive months and who are requesting community-based  
25 services;

26 (c) The third funding priority of the state in responding to the  
27 needs of persons with developmental disabilities shall be for serving  
28 wards of the department or persons placed under the supervision of the  
29 Office of Probation Administration by the Nebraska court system who are  
30 transitioning upon age nineteen with no other alternatives as determined  
31 by the department to support residential services necessary to pursue  
1 economic self-sufficiency;  
2 (d) The fourth funding priority of the state in responding to the  
3 needs of persons with developmental disabilities shall be for serving  
4 persons transitioning from the education system upon attaining twenty-one  
5 years of age to maintain skills and receive the day services necessary to  
6 pursue economic self-sufficiency; and  
7 (e) The fifth funding priority of the state in responding to the  
8 needs of persons with developmental disabilities shall be for serving all  
9 other persons by date of application.  
10 Sec. 9. (1)(a) The department shall, with the assistance and  
11 support of the Advisory Committee on Developmental Disabilities, develop  
12 and implement a quality management and improvement plan to promote and  
13 monitor quality relating to services and quality of life for persons with  
14 developmental disabilities.  
15 (b) The purpose of the quality management and improvement plan is to  
16 provide information necessary for an accurate assessment of the quality  
17 and effectiveness of services for persons with developmental disabilities  
18 and their families and the delivery of such services, with special  
19 attention to the impact that the services have on the quality of life of  
20 recipients and their families.  
21 (c) The quality management and improvement plan shall reflect  
22 national best practice for services for persons with developmental  
23 disabilities and their families as determined by the department with the  
24 assistance of the advisory committee.  
25 (d) The quality management and improvement plan shall assess,  
26 through both quantitative and qualitative means, (i) the quality of  
27 services provided to persons with developmental disabilities and their  
28 families, (ii) the ability of the services provided to meet the needs of  
29 the recipients of the services, (iii) the effect of the services to  
30 support or improve the quality of life of the recipients of the services,  
31 and (iv) the satisfaction of the recipients with the process of  
1 determination of eligibility and the process of delivery of the services.  
2 In order to develop the quality management and improvement plan, the  
3 department shall use procedures to collect data from recipients of  
4 services for persons with disabilities and their families by relying on  
5 external, independent evaluators who are not employed by the department.  
6 The quality management and improvement plan shall give significance to  
7 input gathered from recipients of services for persons with developmental  
8 disabilities and families of such recipients and include information  
9 gathered from the department.  
10 (e) The quality management and improvement plan shall include  
11 recommendations for improvements to the types of services and the  
12 delivery of services for persons with developmental disabilities and



13 their families.  
14 (2) The department shall provide a quality management plan  
15 electronically to the Legislature no later than September 30, 2017. In  
16 the plan the department shall detail its approach to ensuring a  
17 sustainable, continuous, quality improvement management system for the  
18 delivery of services for persons with developmental disabilities and  
19 their families that incorporates responsibilities of the department and  
20 recipients.  
21 (3) The department shall issue an implementation report regarding  
22 the quality management and improvement plan and publish it on the web  
23 site of the department and provide it electronically to the Legislature  
24 on or before December 30, 2017, and March 30, 2018. Beginning in 2018,  
25 the department shall annually provide a report regarding outcomes,  
26 improvement priorities, and activities of the department during the  
27 previous fiscal year. The report shall be published on the web site of  
28 the department and shall be provided electronically to the Legislature on  
29 or before September 30.  
30 Sec. 10. Sections 6, 11, and 14 of this act become operative on  
31 October 1, 2017. Sections 1, 7, and 12 of this act become operative three  
1 calendar months after the adjournment of this legislative session. The  
2 other sections of this act become operative on their effective date.  
3 Sec. 11. Original section 83-1209, Reissue Revised Statutes of  
4 Nebraska, is repealed.  
5 Sec. 12. Original sections 68-1005 and 83-1212.01, Reissue Revised  
6 Statutes of Nebraska, are repealed.  
7 Sec. 13. Original sections 83-1202 and 83-1216, Reissue Revised  
8 Statutes of Nebraska, and sections 71-1107, 71-1108.01, and 83-1201,  
9 Revised Statutes Cumulative Supplement, 2016, are repealed.  
10 Sec. 14. The following section is outright repealed: Section  
11 83-1213, Reissue Revised Statutes of Nebraska.  
12 Sec. 15. The following section is outright repealed: Section  
13 71-1113, Reissue Revised Statutes of Nebraska.  
14 Sec. 16. Since an emergency exists, this act takes effect when  
15 passed and approved according to law.

(Signed) Merv Riepe, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Hilkemann name added to LB244.

**VISITORS**

Visitors to the Chamber were 50 twelfth-grade students, teacher, and sponsor from Lincoln Northeast High School; Hannah Unterberger, an exchange student from Vienna, Austria; students from North Omaha; 75 fourth-grade students from Saddlebrook Elementary, Omaha; Kasady Wolken from Norfolk; Senator Hilgers wife and children, Heather, Alice, Elsie, and Clara Jane; and 13 fourth-grade students and teachers from Falls City South Elementary.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Brewer, the Legislature adjourned until 9:00 a.m., Tuesday, April 18, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTY-SIXTH DAY - APRIL 18, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**SIXTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
 Tuesday, April 18, 2017

**PRAYER**

The prayer was offered by Senator Walz.

**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 Senator Krist who was excused; and Senators Craighead, Geist, Kuehn, Morfeld, Murante, Pansing Brooks, Watermeier, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 1033, line 23, strike "2012" and insert "2008".  
 Page 1034, line 24, strike "passed away" and insert "entered a care facility" and line 27, strike "each" and insert "eat".  
 The Journal for the sixty-fifth day was approved as corrected.

**COMMITTEE REPORT(S)**  
 Enrollment and Review

**LEGISLATIVE BILL 91A.** Placed on Select File.  
**LEGISLATIVE BILL 263A.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 93, 94, 96, and 97 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 93, 94, 96, and 97.

**GENERAL FILE**

**LEGISLATIVE BILL 640.** Title read. Considered.

Committee AM752, found on page 971, was offered.

Senator Groene offered his amendment, AM992, found on page 1021, to the committee amendment.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 217.** Placed on Final Reading.

ST17

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER48:
  - a. On page 16, line 26, "14" has been struck and "15" inserted;
  - b. On page 51, the matter beginning with "9" in line 14 through line 15 has been struck and "6, 10, 11, 12, 13, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, and 40 of" inserted; in line 17 "20 and 37" has been struck and "21 and 38" inserted; and in line 22 "77-1359," has been inserted after "69-2710.01,"; and
  - c. On page 52, line 8, "77-1359," has been inserted after the last comma; and in line 15 "assessment of agricultural land and horticultural land," has been inserted after the first comma.

**LEGISLATIVE BILL 263.** Placed on Final Reading.

ST16

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Friesen amendment, AM867, section 49 has been renumbered as section 53.
2. In the Bolz amendment, AM670:
  - a. On page 1, lines 19 and 26; page 4, line 12; page 6, line 12; and page 8, line 30, "59" has been struck and "61" inserted; and
  - b. On page 9, lines 6 and 7, "25, 58, and 59" has been struck and "26, 60, and 61" inserted; and in line 10 "58 and 59" has been struck and "60 and 61" inserted.
3. In the E and R amendments, ER41, on page 1, line 8, "60-317," has been inserted after the third comma and "60-393, 60-395, 60-396," has been inserted after the last comma; in line 11 "60-3,130.04," has been inserted after "60-3,128," and "60-3,151," has been inserted after "60-3,141,"; and in line 21 "to provide for Native American Cultural Awareness and History Plates and to create a fund;" has been inserted after the semicolon.
4. In the Standing Committee amendments, AM538:

- a. On page 2, line 6; page 11, line 10; page 14, line 25; page 15, line 10; page 25, line 15; page 47, line 8; page 80, line 4; page 101, line 24; page 104, line 12; and page 109, line 27, "69" has been struck and "77" inserted;
- b. On page 23, line 26; and page 75, line 6, "25" has been struck and "26" inserted; and
- c. On page 112, line 21, "68 and 69" has been struck and "76 and 77" inserted; in line 23 "47, 92, and 95" has been struck and "52, 101, and 104" inserted; and the matter beginning with "25" in line 25 through line 27 has been struck and "26, 29, 30, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 54, 56, 57, 59, 60, 61, 64, 65, 66, 68, 69, 71, 73, 74, 75, 76, 77, 78, 79, 94, 95, 96, 97, 98, 99, 100, and 105 of" inserted.

**LEGISLATIVE BILL 276.** Placed on Final Reading.

**LEGISLATIVE BILL 487.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 605.** Placed on Select File.

**LEGISLATIVE BILL 481.** Placed on Select File with amendment.

ER56

1 1. On page 1, line 2, strike "28-2802" and insert "38-2802".

**LEGISLATIVE BILL 72.** Placed on Select File with amendment.

ER57

- 1 1. On page 6, line 3, after "bonds" insert an underscored comma.  
 2 2. On page 9, line 3, strike "and" and show as stricken; and in line  
 3 6 strike the period, show as stricken, and insert "; and".

(Signed) Anna Wishart, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Harr filed the following amendments to LB461:

AM1060

(Amendments to Standing Committee amendments, AM954)

- 1 1. On page 47, line 15, strike "and" and insert "real property is  
 2 sixty-five to one hundred percent of actual value, and the acceptable  
 3 range for all"; and in lines 18, 22, and 24, strike the new matter and  
 4 reinstate the stricken matter.

AM1062

(Amendments to Standing Committee amendments, AM954)

- 1 1. On page 47, line 15, strike "and commercial"; in line 16 after  
 2 "value" insert "; and the acceptable range for all commercial real  
 3 property is sixty-five to one hundred percent of actual value"; and in

4 lines 18, 22, and 24, strike the new matter and reinstate the stricken  
5 matter.

## AM1061

(Amendments to Standing Committee amendments, AM954)

1 1. On page 48, strike beginning with "real" in line 27 through  
2 "land" in line 28, show the old matter as stricken, and insert  
3 "residential real property, sixty-five percent of actual value, and for  
4 commercial real property".

## AM1058

(Amendments to Standing Committee amendments, AM954)

1 1. On page 7, line 10, after "increase" insert "or decrease".  
2 2. On page 8, line 27, strike "exceeds" and insert "has increased or  
3 decreased from".

## AM1064

Is available in the Bill Room.

## AM1063

(Amendments to Standing Committee amendments, AM954)

1 1. On page 43, line 4, after the period insert "For tax year 2018  
2 and each tax year thereafter, the amount of relief granted under the act  
3 shall be the amount of money available in the Property Tax Credit Cash  
4 Fund after making the transfer required in subsection (8) of this  
5 section.".  
6 2. On page 45, after line 6 insert the following new subsection:  
7 "(8) For tax year 2018 and each tax year thereafter, the State  
8 Department of Education shall certify to the State Treasurer the  
9 statewide increase in state aid to be paid to local systems as defined in  
10 section 79-1003 pursuant to the Tax Equity and Educational Opportunities  
11 Support Act as a result of the adoption of the Agricultural Valuation  
12 Fairness Act. The State Treasurer shall transfer an amount equal to such  
13 certified amount from the Property Tax Credit Cash Fund to the Tax Equity  
14 and Educational Opportunities Fund to pay such increase in state aid to  
15 local systems.".

## AM1059

(Amendments to Standing Committee amendments, AM954)

1 1. On page 48, strike beginning with "the" in line 29 through "Act"  
2 in line 31, show the old matter as stricken, and insert "fifty-five  
3 percent of actual value".

## AM1027

(Amendments to Standing Committee amendments, AM954)

1 1. On page 24, strike beginning with "Tax" in line 8 through "year"  
2 in line 13 and insert "Tax Rate Review Committee shall compare the net  
3 General Fund receipts for the most recently completed fiscal year to the  
4 prior fiscal year and shall determine the actual rate of growth in net

5 General Fund receipts for such period. If the actual rate of growth in  
6 net General Fund receipts was not at least five and one-half percent";  
7 and strike beginning with "if" in line 24 through "year" in line 26 and  
8 insert "if the actual rate of growth in net General Fund receipts, as  
9 determined under subsection (3) of this section, was at least five and  
10 one-half percent".

AM1028

(Amendments to AM1027)

1 1. On page 1, strike beginning with "compare" in line 2 through  
2 "percent" in line 6 and insert "examine the expected rate of growth in  
3 net General Fund receipts from the current fiscal year to the upcoming  
4 fiscal year, as determined by the Nebraska Economic Forecasting Advisory  
5 Board. If the expected rate of growth in net General Fund receipts is not  
6 at least five and one-half percent for the upcoming fiscal year"; and  
7 strike beginning with "actual" in line 8 through "percent" in line 10 and  
8 insert "expected rate of growth in net General Fund receipts, as  
9 determined under subsection (3) of this section, is at least five and  
10 one-half percent for the upcoming fiscal year".

AM1029

(Amendments to AM1027)

1 1. On page 1, line 6, strike "five and one-half percent" and insert  
2 "three and one-half percent more than the rate of inflation for the same  
3 period, as determined using the Consumer Price Index for All Urban  
4 Consumers"; and strike beginning with "five" in line 9 through "percent"  
5 in line 10 and insert "three and one-half percent more than the rate of  
6 inflation, as determined using the Consumer Price Index for All Urban  
7 Consumers".

AM1030

(Amendments to AM1027)

1 1. On page 1, strike beginning with "compare" in line 2 through  
2 "percent" in line 6 and insert "examine the expected rate of growth in  
3 net General Fund receipts from the current fiscal year to the upcoming  
4 fiscal year, as determined by the Nebraska Economic Forecasting Advisory  
5 Board. If the expected rate of growth in net General Fund receipts for  
6 the upcoming fiscal year is not at least three and one-half percent more  
7 than the rate of inflation for the previous twelve months, as determined  
8 using the Consumer Price Index for All Urban Consumers"; and strike  
9 beginning with "actual" in line 8 through "percent" in line 10 and insert  
10 "expected rate of growth in net General Fund receipts for the upcoming  
11 fiscal year, as determined under subsection (3) of this section, is at  
12 least three and one-half percent more than the rate of inflation for the  
13 previous twelve months, as determined using the Consumer Price Index for  
14 All Urban Consumers".

AM1031

(Amendments to Standing Committee amendments, AM954)

1 1. On page 26, lines 2 and 16, strike "2019" and insert "2018".**ATTORNEY GENERAL'S OPINION**Opinion 17-002SUBJECT:           Constitutionality of LB 44 – The Remote Seller Sales  
Tax Collection Act.REQUESTED BY: Senator John Kuehn  
Nebraska LegislatureWRITTEN BY:     Douglas J. Peterson, Attorney General  
L. Jay Bartel, Assistant Attorney General**INTRODUCTION**

You have requested our opinion on the constitutionality of LB 44 in light of the United States Supreme Court decision in *Quill Corp. v. North Dakota*, 504 U.S. 298 (1992) [*Quill*]. In *Quill*, the Court held that a North Dakota use tax collection statute requiring out-of-state mail order sellers to collect and remit use tax on purchases made by resident consumers violated the "substantial nexus" requirement of the commerce clause of the U.S. Constitution (art. I, § 8, cl. 3). The Court defined "substantial nexus" as "physical presence" in the taxing state. *Id.* at 312. LB 44 proposes to require remote sellers who do not have physical presence in the state to collect and remit sales tax on purchases made by persons in the state if the remote seller's gross revenue in Nebraska exceeds \$100,000 or the remote seller's sales in the state comprise two hundred or more separate transactions. LB 44, §§ 3, 4. If a remote seller refuses to collect Nebraska sales tax, the remote seller is subject to notice and reporting requirements, including: (1) Notifying Nebraska purchasers that sales or use tax is due and that the purchaser is required to file a sales or use tax return; (2) Sending a notification to all Nebraska purchasers by January 1 of each year showing the total amount of purchases made in the previous year; and (3) Filing an annual statement for each purchaser with the Department of Revenue by March 1 of each year showing the total amount paid for Nebraska purchases by such purchasers during the previous year. LB 44, § 5. The bill also provides penalties if the remote seller fails to provide the required notices and statements. *Id.*

For the reasons stated below, we conclude that the sales tax collection obligation imposed on remote sellers having no physical presence in Nebraska is unconstitutional under the commerce clause as interpreted by the U. S. Supreme Court in *Quill*. Moreover, as *Quill's* interpretation of the commerce clause is binding on any state or federal lower court, it can be



changed only by the Court or action by Congress exercising its power to regulate interstate commerce. The notice and reporting requirements, if amended, would not be contrary to *Quill*, and would not violate the commerce clause, based on a recent decision of the Tenth Circuit U. S. Court of Appeals.<sup>1</sup> Because the notice and reporting requirements are not severable from the unconstitutional collection obligation under the bill as currently drafted, we conclude that LB 44 is presently unconstitutional in its entirety. The bill may, however, be amended to remedy these constitutional deficiencies.

## ANALYSIS

### **I. LB 44's Requirement That Remote Sellers With No Physical Presence In Nebraska Collect And Remit Sales Tax From Nebraska Purchasers Is Unconstitutional Under *Quill*.**

*Quill* addressed the constitutionality of a North Dakota statute requiring mail-order sellers who had no physical presence in the state to collect and remit use tax on sales to North Dakota residents. North Dakota brought a declaratory judgment action against *Quill* seeking a determination that it was liable for failing to collect and remit use tax. *Quill* argued the collection obligation was unconstitutional under both the due process and commerce clauses of the U.S. Constitution. 504 U.S. at 301-306. In an earlier case, *National Bellas Hess, Inc. v. Dep't of Revenue of Ill.*, 386 U.S. 753 (1967) ["*Bellas Hess*"], the Court held an Illinois statute similar to North Dakota's that required a mail order seller with no physical presence in Illinois to collect use tax on products sold to Illinois residents "violated the Due Process Clause of the Fourteenth Amendment and created an unconstitutional burden on interstate commerce." *Id.* at 301. The Supreme Court of North Dakota, however, "declined to follow *Bellas Hess* because 'the tremendous social, economic, commercial, and legal innovations' of the past quarter-century ha[d] rendered its holding 'obsole[te].'" *Id.* (quoting *State by and through Heitkamp v. Quill Corp.*, 470 N.W.2d 203, 208 (N.D. 1991)). Reversing North Dakota court's decision that the statute was constitutional, the Court undertook separate inquiries under the due process and commerce clauses. While the Court determined that *Quill*'s contacts with the state were sufficient for due process purposes, it found *Quill*'s lack of physical presence in the state rendered the collection obligation invalid under the commerce clause. 504 U.S. at 308, 317-18.

Addressing the due process issue, the Court stated "[t]he Due Process Clause 'requires some definite link, some minimum connection, between a state and the person, property or transaction it seeks to tax.'" 504 U.S. at 306 (quoting *Miller Bros. Co. v. Maryland*, 347 U.S. 340, 344-45 (1954)). It

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<sup>1</sup> *Direct Marketing Ass'n v. Brohl*, 814 F.3d 1129 (10<sup>th</sup> Cir.), cert. denied 137 S. Ct. 593 (2016).

noted that its "due process jurisprudence ha[d] evolved substantially in the 25 years since *Bellas Hess*..." beyond the point of requiring "physical presence" to permit a state to exercise jurisdiction over a defendant. 504 U.S. at 307-308. Thus, despite Quill's lack of physical presence in North Dakota, the Court found that, as Quill "purposefully directed its activities at North Dakota residents, [the] magnitude of those contacts [was] more than sufficient for due process purposes." 504 U.S. at 308.

On the commerce clause issue, the Court recognized that "Article I, § 8, cl. 3, of the Constitution expressly authorizes Congress to 'regulate Commerce with foreign nations, and among the several states.'" 504 U.S. at 309. While the clause "says nothing about the protection of interstate commerce in the absence of any action by Congress...", it "is more than an affirmative grant of power; it has a negative sweep as well." *Id.* The Court stated its "interpretation of the 'negative' or 'dormant' Commerce Clause ha[d] evolved substantially over the years, particularly as the Clause concerns limitations on state taxation powers." *Id.* The Court drew a distinction between the due process and commerce clauses based on the different constitutional concerns underlying the two clauses. It reasoned that, while the due process clause is concerned with "the fundamental fairness of governmental activity", the commerce clause is focused on "structural concerns about the effects of state regulation on the national economy." *Id.* at 312. "Thus, the 'substantial nexus' requirement is not, like due process' 'minimum contacts' requirement, a proxy for notice, but rather a means for limiting state burdens on interstate commerce." *Id.* at 313.

The Court noted the four-part test articulated in *Complete Auto Transit, Inc. v. Brady*, 430 U.S. 274 (1974) ["*Complete Auto*"], under which a tax will be found not to violate the commerce clause if the "tax [1] is applied to an activity with a substantial nexus with the taxing State, [2] is fairly apportioned, [3] does not discriminate against interstate commerce, and [4] is fairly related to the services provided by the State." 504 U.S. at 311 (quoting *Complete Auto* at 279). *Bellas Hess* involved the first prong, "substantial nexus" with the taxing state, which, in the context of imposing use tax collection duties on an out-of-state seller, required "physical presence". 504 U.S. at 312. The Court declined to overrule *Bellas Hess*' "bright-line rule", as it "firmly establishe[d] the boundaries of legitimate state authority to impose a duty to collect sales and use taxes", and "encourage[d] settled expectations by businesses and individuals." *Id.* at 315-16. Noting it had "frequently relied on the *Bellas Hess* rule in the last 25 years...", the Court found the "rule ha[d] engendered substantial reliance and ha[d] become part of the basic framework of a sizable industry." *Id.* at 317. "[T]he doctrine of *stare decisis*..." thus "counsel[ed] adherence to [*Bellas Hess*'] settled precedent." *Id.* Finally, the Court emphasized that Congress had "the ultimate power to resolve" the issue, and was "now free

to decide whether, when, and to what extent the States may burden interstate mail-order concerns with a duty to collect use taxes." *Id.* at 318.<sup>2</sup>

Two years ago, the Court recognized the continuing impact of *Quill* as limiting state authority to impose tax collection obligations on out-of-state sellers. *Direct Marketing Ass'n v. Brohl*, 135 S.Ct. 1124 (2015) ("*Brohl I*"). While emanating from a challenge to the constitutionality of use tax notice and reporting requirements imposed by Colorado on noncollecting sellers lacking a physical presence in the state, the issue in *Brohl I* was whether bringing that challenge in federal court was barred by the Tax Injunction Act, 28 U.S.C. § 1341 ["TIA"]. The TIA provides that federal courts "shall not enjoin, suspend or restrain the assessment, levy or collection of any tax under State law where a plain, speedy and efficient remedy may be had in the courts of such State." § 1341. Citing *Quill*, the majority opinion noted that, "[u]nder our negative Commerce Clause precedents, Colorado [could] not require retailers who lack a physical presence in the State to collect these taxes on behalf of the Department." 135 S. Ct. at 1127. The Court reversed the Tenth Circuit's holding that the TIA barred the suit and remanded for further proceedings, finding the notice and reporting requirements imposed by Colorado did not involve the "assessment, levy, or collection" of any state tax. *Id.* at 1131. Nor did the suit "restrain" the "assessment, levy, or collection" of a state tax, as it "merely inhibit[ed] those activities." *Id.* at 1133.

In a concurring opinion, however, Justice Kennedy wrote separately regarding "what may well be a serious injustice faced by Colorado and many other States." 135 S Ct. at 1134 (Kennedy, J., concurring). Justice Kennedy characterized *Quill's* holding as "tenuous", and as "a holding now inflicting extreme harm and unfairness on the States." *Id.* He asserted the Court should have taken the opportunity in *Quill* "to reevaluate *Bellas Hess* not only in light of *Complete Auto* but also in view of the dramatic technological and social changes that had taken place in our increasingly interconnected economy..." asserting "[t]here is a powerful case to be made that a retailer doing extensive business within a State has a sufficiently 'substantial nexus' to justify imposing some minor tax-collection duty, even if that business is done through mail or the Internet." *Id.* at 1134-35. This argument, in his view, "has grown stronger, and the cause more urgent, with time." *Id.* at 1135. Justice Kennedy noted that in 1992, when *Quill* was decided, "the Internet was in its infancy..." and that, "[b]y 2008,

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<sup>2</sup> Despite the Court's suggestion in *Quill* that Congress address the issue, Congress has not acted. A version of the Marketplace Fairness Act was approved by the Senate in 2013 (S. 743), but languished in the House of Representatives. Two newer proposals are the Marketplace Fairness Act of 2015 (S. 698) and the Remote Transaction Parity Act (H.R. 2775). At this time, the likelihood of congressional action in the near future appears remote.

e-commerce alone totaled \$3.16 trillion per year in the United States." *Id.* In his view, "[b]ecause of *Quill* and *Bellas Hess*, States have been unable to collect many of the taxes due on these purchases...", resulting in "a startling revenue shortfall in many States, with concomitant unfairness to local retailers and their customers who do pay taxes at the register." *Id.* Calling *Quill* "[a] case questionable when decided", he noted that "*Quill* now harms States to a degree far greater than could be anticipated earlier." *Id.* While stating that, given "changes in technology and consumer sophistication, it [was] unwise to delay any longer reconsideration of the Court's holding in *Quill*...", he recognized "[t]he instant case [did] not raise this issue in a manner appropriate for the Court to address it." *Id.* Justice Kennedy concluded by stating the case provided "the means to note the importance of reconsidering doubtful authority...", and urged "[t]he legal system [to] find an appropriate case for [the] Court to reexamine *Quill* and *Bellas Hess*." *Id.*

Taking up Justice Kennedy's invitation to challenge *Quill*, South Dakota enacted a statute in 2016 requiring certain remote sellers to comply with the state's sales tax laws "as if the seller had a physical presence in the state." S.B. 106, 2016 Leg., 91<sup>st</sup> Sess. (S.D. 2016).<sup>3</sup> The law applies only to sellers that exceed \$100,000 in gross revenues from sales within South Dakota, or have more than 200 separate transactions within the state in the prior calendar year. S.B. 106, § 1(1)-(2). The statute permits the State to bring a declaratory judgment action in state court to establish that the collection requirement imposed on remote sellers is "valid under state and federal law." S.B. 106, § 2. The filing of such a declaratory judgment action operates as an injunction prohibiting enforcement of the collection obligation. S.B. 106, § 3. South Dakota proceeded to file an action as allowed by the statute against several remote sellers that did not voluntarily agree to undertake sales tax collection. *State of South Dakota v. Wayfair, Inc., et al.*, 32CIV16-000092 (Sixth Judicial Circuit Court). The companies removed the case to federal district court. *State of South Dakota v. Wayfair, Inc.*, 3:16-cv-03019. The federal district court, however, granted the State's motion to remand the matter to state court. *Id.* (Order and Opinion Granting Plaintiff's Motion to Remand to State Court (Jan. 17, 2017)).<sup>4</sup> On March 6,

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<sup>3</sup> Wyoming recently passed remote seller collection legislation similar to South Dakota. Ch. 85 (H.B. 19), Wyoming Laws 2017 (*to be codified at* Wyo. Stat. Ann. §§ 39-15-101 and 39-15-501)). Similar remote seller collection legislation is also being considered in Indiana (S.B. 545).

<sup>4</sup> The federal district court remanded the case to state court for lack of federal jurisdiction based on *Franchise Tax Bd. of California v. Construction Laborers Vacation Trust for Southern California*, 463 U.S. 1 (1983). Order and Opinion at 1. The district court concluded the TIA was not a bar to the suit proceeding in federal court, as it originated in state court as a suit brought by the State, and did not involve an action by a taxpayer seeking to enjoin collection. *Id.* at 19-20. A suit to enjoin the collection obligation brought by a remote seller subject to LB 44 would fall squarely within the TIA, precluding suit in federal court.

2017, the state court granted the defendant retailers' motion for summary judgment. *State of South Dakota v. Wayfair, Inc.*, 32CIV16-000092 (Order Granting Defendants' Motion for Summary Judgment). In its order, the circuit court noted the State acknowledged that, under *Quill*, it was "prohibited from imposing sales tax collection and remittance obligations on the Defendants...", and that the court was "required to grant summary judgment in Defendants' favor, because of the *Quill* ruling." *Id.* at 2. The circuit court recognized it was "duty bound to follow applicable precedent of the United States Supreme Court...", and "[t]his [was] true even when changing times and events clearly suggest a different outcome...", as it was "not the role of a state circuit court to disregard a ruling from the United States Supreme Court." *Id.* at 2-3. South Dakota has appealed the circuit court's decision to the South Dakota Supreme Court, and review of the decision by that court will undoubtedly be sought in the U.S. Supreme Court to provide the "appropriate case" referred to by Justice Kennedy to "reexamine *Quill* and *Bellas Hess*." 135 S. Ct. at 1135.<sup>5</sup>

If a "precedent of [the Supreme] Court has direct application in a case, yet appears to rest on reasons rejected in some other line of decisions," lower courts "should follow the case which directly controls, leaving to [the Supreme] Court the prerogative of overruling its own decisions." *Rodriguez de Quijas v. Shearson/American Express, Inc.*, 490 U.S. 477, 484 (1989). State and lower federal courts are "bound by [the Supreme] Court's interpretation of federal law." *James v. City of Boise*, 136 S. Ct. 685, 686 (2016). *See also Elmendorf v. Taylor*, 23 U.S. 152, 160 (1825) ("[T]he construction given by [the Supreme] Court to the constitution and laws of the United States is received by all as the true construction."). The South Dakota circuit court correctly recognized it was bound to follow *Quill*. The same would be true of any Nebraska court in a suit challenging the constitutionality of the sales tax collection requirement imposed on remote sellers with no physical presence in the state by LB 44. *Quill's* interpretation of the commerce clause is binding on any state or federal lower court, and can be changed only by the Court or action by Congress exercising its power to regulate interstate commerce.

As stated by Justice Kennedy in his concurrence in *Brohl I*, there are compelling arguments for the Court to revisit and ultimately overrule its decisions in *Quill* and *Bellas Hess*. The "physical presence" requirement may well be outdated and unrealistic given economic and technological changes which have occurred since *Quill* was decided. Unless or until *Quill*

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<sup>5</sup> Tennessee and Alabama have adopted regulations challenging *Quill* which impose sales tax collection requirements on out-of-state sellers lacking physical presence in the state. Ala. Admin. Code R. 810-6-1-.90.03; Tenn. Comp. R. & Regs. 1320-05-01-.129. A challenge to Alabama's regulation is pending in the Alabama Tax Tribunal. *Newegg, Inc. v. Alabama Dep't of Revenue*, No. S. 16-613 (filed June 8, 2016).

is overruled by the Court or Congress, however, LB 44's imposition of a sales tax collection requirement on remote sellers with no physical presence in the state is unconstitutional under the commerce clause.<sup>6</sup>

**II. LB 44's Notice And Reporting Requirements, If Amended, Would Not Violate The Commerce Clause.**

On remand from the Supreme Court, the U.S. Court of Appeals for the Tenth Circuit addressed whether use tax notice and reporting requirements imposed by Colorado on noncollecting sellers lacking a physical presence in the state violated the commerce clause. *Direct Marketing Ass'n v. Brohl*, 814 F.3d 1129 (10<sup>th</sup> Cir.), cert. denied 137 S. Ct. 593 (2016) ["*Brohl II*"]. In 2010, Colorado enacted legislation imposing notice and reporting obligations on non-collecting retailers. Colo. Rev. Stat. § 39-21-112(3.5)(b)-(d)(I)-(III). A "non-collecting retailer" was defined as "a retailer that sells goods to Colorado purchasers and that does not collect Colorado sales or use tax." 1 Colo. Code Regs. § 201-1:39-21-112.3.5(1)(a)(i). Retailers making less than \$100,000 in total gross sales in Colorado were exempted from the notice and reporting requirements. *Id.* § 201-1:39-21-112.3.5(1)(a)(iii). The requirements included sending: (1) A "transactional notice" to purchasers advising they may be subject to Colorado's use tax; (2) An "annual purchase summary" with the dates, categories, and amounts of purchases, again informing purchasers of their obligation to pay use tax; and (3) An annual "customer information report" to the Colorado Department of Revenue listing customer names, addresses, and total amount spent. Colo. Rev. Stat. § 39-21-112(3.5)(c)(I), (d)(I)(A), and (d)(II)(A). Penalties were provided for failure to provide the required notices and reports. Colo. Rev. Stat. § 39-21-112(3.5)(d)(III)(A)-(B). Direct Marketing Association ["DMA"] filed a facial challenge to the Colorado law, asserting, in part, that it "violated the dormant commerce clause because it discriminate[d] against and unduly burden[ed] interstate commerce." 814 F.3d at 1133-34.

Reversing the federal district court's decision holding the law unconstitutional, the Tenth Circuit held that Colorado's remote seller notice and reporting requirements did not violate the dormant commerce clause.

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<sup>6</sup> Vermont has also enacted legislation similar to South Dakota and Wyoming with the same dollar and transaction thresholds. H. 873, § 27, Vermont Laws 2016. Recognizing the preclusive effect of *Quill*, however, the effective date of the collection requirement imposed on remote vendors under the Vermont statute is delayed until "after a controlling court decision or federal legislation abrogates the physical presence requirements of *Quill v. North Dakota*, 504 U.S. 298 (1992)." *Id.* at § 41(5). Similar remote seller collection legislation proposed in North Dakota also has an effective date contingent on the Supreme Court's issuance of an opinion overruling *Quill*. S.B. 2298.

Addressing *Quill's* "bright-line" physical presence rule, the court noted that, "[e]ven though the Supreme Court has not overruled *Quill*, it has not extended the physical presence rule beyond the realm of sales and use tax collection." 814 F.3d at 1137. The Tenth Circuit concluded *Quill* "applie[d] narrowly to sales and use tax collection", and its physical presence rule was not applicable to Colorado's remote seller notice and reporting requirements. *Id.* at 1136, 1139.

In assessing if the Colorado law discriminated against interstate commerce, the court found it was not "facially discriminatory" because it "did not distinguish between in-state and out-of-state economic interests", but "instead impose[d] differential treatment based on whether the retailer collects Colorado sales or uses taxes." 814 F.3d at 1141. The "direct effects" of the law were also found not to be discriminatory because: (1) "[T]he reporting obligation [did] not give in-state retailers a competitive advantage"; (2) "[T]he non-collecting retailers [were] not similarly situated to the in-state retailers, who must comply with tax collection and reporting requirements that [were] not imposed on the out-of-state non-collecting retailers"; and (3) "[T]he reporting requirements [were] designed to increase compliance with preexisting tax obligations, and appl[ied] only to retailers that [were] not otherwise required to comply with the greater burden of tax collection and reporting." *Id.* at 1143-44. The court thus concluded that "DMA ha[d] not shown the Colorado Law imposes a discriminatory economic burden on out-of-state vendors when viewed against the backdrop of the collecting retailers' tax collection and reporting obligations." *Id.* at 1144.

The Tenth Circuit also found the Colorado remote seller reporting requirements did not impose an undue burden on interstate commerce. It found *Quill* was "not binding in light of Supreme Court and Tenth Circuit decisions construing it narrowly to apply only to the duty to collect and remit taxes." 814 F.3d at 1146. The court noted that the Supreme Court in *Brohl I* "not only characterized *Quill* as establishing the principle that a state 'may not require retailers who lack a physical presence in the State to *collect* these taxes...', it also concluded that the notice and reporting requirements in the Colorado Law do not constitute a form of tax collection." *Id.* (quoting *Brohl I*, 135 S. Ct. at 1127 (emphasis in original)). "Because the Colorado Law's notice and reporting requirements are regulatory and are not subject to the bright-line rule of *Quill*, [the court determined] this end[ed] the undue burden inquiry." 814 F.3d at 1147.

LB 44 imposes notice and reporting requirements on remote sellers that "refuse[ ] to collect Nebraska sales tax." LB 44, § 5. The notice and reporting obligations established in LB 44 are similar to those contained in Colorado's statute and regulations. Section 5 of the bill does not, however, independently include the revenue and transaction limits required to impose these obligation, but instead references the limits imposed in Section 4 (gross revenue from sales exceeding \$100,000 or 200 or more separate

transactions) that trigger the obligation for remote sellers to collect sales tax. Thus, the notice and reporting requirements could be defended as constitutional against a commerce clause challenge in light of *Brohl II*, provided the bill is amended to specifically include the thresholds within the notice and reporting sections, based on our conclusion that the collection obligation imposed in Section 4 is unconstitutional.<sup>7</sup>

### III. The Mandatory Collection Obligation Imposed By Section 4 of LB 44 Is Contrary to *Quill's* Physical Presence Rule.

It has been suggested that the collection requirement in Section 4 of LB 44 is not invalid because it is optional, as remote sellers that refuse to collect the tax can comply by satisfying the act's notice and reporting requirements. The Tenth Circuit rejected a similar argument in *Brohl II*. Colorado "contend[ed] the law [was] not discriminatory because out-of-state retailers [could] either (a) comply with the notice and reporting requirements or (b) collect and remit taxes like in-state retailers." 814 F.3d at 1144. The court "disagree[d] with the [State] that out-of-state retailers' having the option to collect and remit sales taxes makes the Colorado Law nondiscriminatory...", stating that "*Quill* unequivocally holds that out-of-state retailers without a physical presence in the state need not collect sales tax." *Id.* It noted that "*Quill* privileges out-of-state retailers in that regard, and the possibility that they might choose to give up that privilege rather than comply with the challenged Colorado Law does not make the Colorado law constitutional." *Id.* As *Quill* applied only to the *collection* of sales and use taxes, however, the court found it was inapplicable to Colorado's notice and reporting obligations. *Id.*

Section 4 of LB 44 provides remote sellers meeting the required gross revenue and transaction thresholds "shall be subject to the Nebraska Revenue Act of 1967" and "shall remit the sales tax due" under the Revenue Act. "As a general rule, in the construction of statutes, the word 'shall' is considered mandatory and inconsistent with the idea of discretion." *Loup City Public Schools v. Nebraska Dep't of Revenue*, 252 Neb. 387, 393, 562 N.W.2d 551, 555 (1997). The remittance obligation imposed by Section 4 of LB 44 is mandatory. Indeed, the notice and reporting provisions apply only if a remote seller "refuses to collect Nebraska sales tax" in contravention of the mandatory collection obligation imposed under Section 4. LB 44, § 5.

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<sup>7</sup> In a 1995 opinion, we concluded that it was unclear whether legislation proposing to require retailers having "minimum contacts" with the State, but not physical presence, to report information regarding purchases by Nebraska residents, would violate the commerce clause under the *Quill* decision. Op. Att'y Gen. No. 95038 (May 16, 1995). The Tenth Circuit's recent decision in *Brohl II* supports the validity of imposing notice and reporting requirements on remote sellers without physical presence, and properly limits *Quill* to the imposition of state tax collection requirements.



As the Tenth Circuit instructed in *Brohl II*, however, *Quill* precludes states from imposing a collection requirement on remote sellers lacking physical presence in the taxing state. Providing an "option" to those sellers by satisfying notice and reporting requirements does not make the collection requirement constitutional.

**IV. As The Notice and Reporting Requirements Are Not Severable From The Unconstitutional Collection Requirement, LB 44, In Its Current Form, Is Unconstitutional In Its Entirety.**

We have concluded that Section 4 of LB 44, which mandates that remote sellers not having a physical presence in Nebraska meeting specified revenue and transaction requirements collect and remit sales tax, is unconstitutional under *Quill*. As the collection requirement in Section 4 is invalid, the question which remains is whether it is severable from the notice and reporting provisions in Section 5. "The general rule is that when part of an act is held unconstitutional, the remainder must likewise fail, unless the unconstitutional portion is severable from the remaining portions." *Big John's Billiards, Inc. v. State*, 288 Neb. 938, 951, 852 N.W.2d 727, 739 (2014).

To determine whether an unconstitutional portion of a statute may be severed, an appellate court considers (1) whether a workable statutory scheme remains without the unconstitutional portion, (2) whether valid portions of the statute can be enforced independently, (3) whether the invalid portion was the inducement to passage of the statute, (4) whether severing the invalid portion will do violence to the intent of the Legislature, and (5) whether the statute contains a declaration of severability indicating the Legislature would have enacted the bill without the invalid portion. *Id.*

Applying this test, the bill is not workable without the invalid portion, as the notice and reporting requirements in Section 5 do not independently set out the criteria for determining which remote sellers must meet those requirements, which are part of the invalid Section 4. Accordingly, the valid provisions cannot be enforced independently. Moreover, the invalid portion is likely an inducement to passage of the invalid portion, and, as such, severing the invalid portion would do violence to the Legislature's intent. Finally, the statute contains no severability clause. Applying each of the severability factors, we conclude that LB 44, in its present form, is unconstitutional in its entirety.

That is not to say, however, that the bill could not be amended to satisfy constitutional requirements. If the unconstitutional mandatory collection requirement was removed, and the notice and reporting requirements were amended to add the criteria for determining which remote sellers would be subject to those requirements, the bill would track the statute and regulations implementing Colorado's notice and reporting requirements which were held

not to violate the commerce clause in *Brohl II*. If a collection requirement is enacted, it could be made valid by delaying its effective date to such time as *Quill* is overruled or federal legislation is enacted to permit states to require remote sellers without physical presence to collect sales tax, as was done in Vermont.<sup>8</sup> Further, amending the notice and reporting requirement to provide that a remote seller who "voluntarily" agrees to collect and remit sales tax is excused from such requirements would also remedy any constitutional concern, as it does not attempt to mandate collection in contravention of *Quill*. While the bill in its present form is unconstitutional, the Legislature has options to remedy these constitutional deficiencies.

### CONCLUSION

In sum, we conclude that the sales tax collection obligation imposed on remote sellers having no physical presence in Nebraska under Section 4 of LB 44 is unconstitutional under the commerce clause as interpreted by the U. S. Supreme Court in *Quill*. Moreover, as *Quill's* interpretation of the commerce clause is binding on any state or federal lower court, it can be changed only by the Supreme Court or action by Congress exercising its power to regulate interstate commerce. The notice and reporting requirements in Section 5, if amended, would not be contrary to *Quill*, and would not violate the commerce clause, based on the Tenth Circuit's recent decision *Brohl II*. Because the notice and reporting requirements are not severable from the unconstitutional collection obligation under the bill as currently drafted, however, we conclude that LB 44 is presently unconstitutional in its entirety. As explained above, the bill could be amended to remedy these constitutional defects.

Very truly yours,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) L. Jay Bartel  
Assistant Attorney General

07-1109-29

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<sup>8</sup> See footnote 6, *supra*.

**GENERAL FILE**

**LEGISLATIVE BILL 640.** The Groene amendment, AM992, found on page 1021 and considered in this day's Journal, to the committee amendment, was renewed.

**SPEAKER SCHEER PRESIDING****PRESIDENT FOLEY PRESIDING**

Senator Lowe moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Groene moved for a call of the house. The motion prevailed with 45 ayes, 0 nays, and 4 not voting.

The Groene amendment was adopted with 30 ayes, 3 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Briese offered the following amendment to the committee amendment:

AM1036 is available in the Bill Room.

Pending.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 103.** Introduced by Kolterman, 24.

WHEREAS, Concordia University will confer a Distinguished Service Award on Ruth and Lloyd Probasco at the commencement ceremony on May 6, 2017; and

WHEREAS, the Distinguished Service Award is presented to individuals who have distinguished themselves through outstanding public service; and

WHEREAS, the couple is recognized for their passionate leadership, engagement, and dedication to the many ministries they support with their time and talents; and

WHEREAS, Ruth earned degrees from Concordia College in Portland, now Concordia University, Portland, Oregon, and Concordia University, Nebraska; and

WHEREAS, Ruth has served the church as a teacher and worked as a successful travel agent; and

WHEREAS, the philanthropic spirit in Ruth has been demonstrated through her work with the Rupert Dunklau Foundation and through her service on the Christ Lutheran Church Foundation Board, as campaign director at Concordia Seminary, as gift officer at Lutheran Family and

Children's Services in St. Louis, Missouri, and as the director of alumni and university relations for Concordia University, Nebraska; and

WHEREAS, Lloyd earned a degree from Concordia College in Portland, now Concordia University, Portland, Oregon, and attended Concordia Teachers College, now Concordia University, Nebraska, and Weber State College in Ogden, Utah; and

WHEREAS, having earned Certified Financial Planner, Certified Fundraising Executive, and Development Marketing Associates certifications, Lloyd served as a fundraiser and fundraising consultant for a variety of ministries in the Lutheran Church-Missouri Synod; and

WHEREAS, Lloyd is a founding member of the Association of Lutheran Development Executives and has served as vice-president, president, and national mentoring chair in addition to chairing the national conference in Kansas City; and

WHEREAS, the couple currently works together in their business, Probasco Partners, Inc., a stewardship, gift planning, and strategic planning consulting firm.

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

1. That the Legislature congratulates Ruth and Lloyd Probasco for being honored by Concordia University with the Distinguished Service Award.

2. That a copy of this resolution be sent to Concordia University and to Ruth and Lloyd Probasco.

Laid over.

#### AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB640:  
AM1065

(Amendments to Standing Committee amendments, AM752)

- 1 1. On page 9, line 9, strike "fifty-five percent of the" and insert
- 2 an underscored colon; strike line 10 and insert the following new
- 3 subdivisions:
- 4 "(a) Fifty-five percent of the total general fund revenue for such
- 5 local system for tax years 2018 and 2019;
- 6 (b) Fifty percent of the total general fund revenue for such local
- 7 system for tax years 2020 and 2021;
- 8 (c) Forty-five percent of the total general fund revenue for such
- 9 local system for tax years 2022 and 2023; and
- 10 (d) Forty percent of the total general fund revenue for such local
- 11 system for tax year 2024 and each tax year thereafter."; and in line 13
- 12 strike "fifty-five percent" and insert "the percent designated in
- 13 subsection (2) of this section for such tax year".

**MOTION(S) - Print in Journal**

Senator Baker filed the following motion to LB640:  
MO88  
Indefinitely postpone.

**VISITORS**

Visitors to the Chamber were 45 fourth-grade students from Lincoln Christian; 25 twelfth-grade students and teachers from Omaha Burke High School; and 70 fourth-grade students from St. Pius X/St. Leo School, Omaha.

**RECESS**

At 11:52 a.m., on a motion by Senator Craighead, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Krist who was excused; and Senators Kolterman, McCollister, Stinner, and Watermeier who were excused until they arrive.

**MESSAGE(S) FROM THE GOVERNOR**

April 17, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska State Fair Board:

Beth Smith, 2310 Woodsdale Blvd., Lincoln, NE 68502

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

(Signed) Sincerely,  
Pete Ricketts  
Governor

Enclosures

**SELECT FILE**

**LEGISLATIVE BILL 91A.** Senator Hilkemann offered the following amendment:

AM1057

1 1. Strike the original section and insert the following new section:  
2 Section 1. There is hereby appropriated \$64,941 from the Health and  
3 Human Services Cash Fund for FY2018-19 to the Department of Health and  
4 Human Services, for Program 33, to aid in carrying out the provisions of  
5 Legislative Bill 91, One Hundred Fifth Legislature, First Session, 2017.  
6 Total expenditures for permanent and temporary salaries and per  
7 diems from funds appropriated in this section shall not exceed \$45,126  
8 for FY2018-19.

The Hilkemann amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 225A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 263A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 427.** ER50, found on page 973, was adopted.

Senator Scheer offered his amendment, AM987, found on page 1002.

The Scheer amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Erdman offered his amendment, AM968, found on page 1022.

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

Senator Erdman moved for a call of the house. The motion prevailed with 36 ayes, 3 nays, and 10 not voting.

Senator Erdman requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Albrecht	Clements	Groene	Larson	Watermeier
Bostelman	Craighead	Halloran	Lowe	
Brasch	Erdman	Hilgers	Murante	
Brewer	Friesen	Hughes	Riepe	
Briese	Geist	Kuehn	Scheer	

Voting in the negative, 18:

Baker	Hansen	Kolowski	Pansing Brooks	Wayne
Blood	Harr	McCollister	Quick	Wishart
Bolz	Hilkemann	McDonnell	Vargas	
Chambers	Howard	Morfeld	Walz	

Present and not voting, 8:

Crawford	Kolterman	Linehan	Smith
Ebke	Lindstrom	Schumacher	Williams

Excused and not voting, 2:

Krist	Stinner
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The Erdman amendment lost with 21 ayes, 18 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 44.** Senator Watermeier offered the following amendment:

AM1074

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

2 sections:

3 Section 1. Sections 1 to 6 of this act shall be known and may be

4 cited as the Remote Seller Sales Tax Collection Act.

5 Sec. 2. The Legislature finds that:

6 (1) The inability to effectively collect the sales or use tax from

7 remote sellers who deliver tangible personal property, products delivered

8 electronically, or services directly into Nebraska is seriously eroding

9 Nebraska's sales tax base, causing revenue losses and imminent harm to

10 the state through the loss of critical funding for state and local

11 services;

12 (2) The structural advantages of remote sellers, including the

13 absence of point-of-sale tax collection, along with the general growth of

14 online retail, make clear that further erosion of Nebraska's sales tax

15 base is likely in the near future;

16 (3) In contrast with the expanding harms caused to Nebraska from the

17 lack of sales tax collection by remote sellers, the costs of that

18 collection have fallen. Given modern computing and software options, it  
19 is neither unusually difficult nor burdensome for remote sellers to  
20 collect and remit sales taxes associated with sales into Nebraska; and  
21 (4) It is necessary for Nebraska to pass the Remote Seller Sales Tax  
22 Collection Act to clarify the obligations of remote sellers with respect  
23 to sales made into Nebraska.

24 Sec. 3. For purposes of the Remote Seller Sales Tax Collection Act:  
25 (1) Delivered electronically has the same meaning as in section  
26 77-2701.49;

27 (2) Department means the Department of Revenue;

1 (3) Remote seller means any person who does not have a physical  
2 presence in this state and who meets either of the following criteria in  
3 the previous or current calendar year:

4 (a) The person's gross revenue from the sale of tangible personal  
5 property, products delivered electronically, and services delivered into  
6 Nebraska exceeds one hundred thousand dollars; or

7 (b) The person sold tangible personal property, products delivered  
8 electronically, or services for delivery into Nebraska in two hundred or  
9 more separate transactions;

10 (4) Service means a service described in subsection (4) of section  
11 77-2701.16; and

12 (5) Tangible personal property has the same meaning as in section  
13 77-2701.39.

14 Sec. 4. (1) Notwithstanding any other provision of law, a remote  
15 seller may voluntarily choose to (a) be subject to the Nebraska Revenue  
16 Act of 1967, the Local Option Revenue Act, and sections 13-319 and  
17 13-2813, (b) remit the sales tax due under such acts and sections, and  
18 (c) follow all applicable procedures and requirements of law as if the  
19 remote seller had a physical presence in this state.

20 (2) No remote seller who remits sales tax under this section shall  
21 be liable to a purchaser who claims that the sales tax has been  
22 overcollected because this section is later deemed unlawful.

23 (3) Nothing in this section affects the obligation of any purchaser  
24 from this state to remit use tax as to any applicable transaction in  
25 which the remote seller does not collect and remit an offsetting sales  
26 tax.

27 Sec. 5. If a remote seller does not voluntarily choose to comply  
28 with subdivisions (1)(a), (b), and (c) of section 4 of this act, such  
29 remote seller shall:

30 (1) Notify Nebraska purchasers that sales or use tax is due on  
31 certain purchases made from the remote seller and that the State of  
1 Nebraska requires the purchaser to file a sales or use tax return.  
2 Failure to provide the notice required in this subdivision shall subject  
3 the remote seller to a penalty of five dollars for each such failure  
4 unless the remote seller shows reasonable cause for such failure;

5 (2) Send notification to all Nebraska purchasers by January 31 of  
6 each year showing the total amount paid by the purchaser for Nebraska  
7 purchases made from the remote seller in the previous calendar year and  
8 such other information as the department shall require by rule and



9 regulation. Such notification shall include, if available, the dates of  
10 purchases, the amounts of each purchase, and the category of the  
11 purchase, including, if known by the remote seller, whether the purchase  
12 is exempt or not exempt from taxation. The notification shall state that  
13 the State of Nebraska requires a sales or use tax return to be filed and  
14 sales or use tax to be paid on certain Nebraska purchases made by the  
15 purchaser from the remote seller. The notification shall be sent  
16 separately to all Nebraska purchasers by first-class mail and shall not  
17 be included with any other shipments. The notification shall include the  
18 words "Important Tax Document Enclosed" on the exterior of the mailing.  
19 The notification shall include the name of the remote seller. Failure to  
20 send the notification required in this subdivision shall subject the  
21 remote seller to a penalty of ten dollars for each such failure unless  
22 the remote seller shows reasonable cause for such failure; and  
23 (3) File an annual statement for each purchaser with the department  
24 on such forms as are provided or approved by the department showing the  
25 total amount paid for Nebraska purchases by such purchasers during the  
26 preceding calendar year or any portion thereof, and such annual statement  
27 shall be filed on or before March 1 of each year. The department may  
28 require any remote seller that makes total Nebraska sales of more than  
29 one hundred thousand dollars in a year to file the annual statement  
30 described in this subdivision electronically for that year. Failure to  
31 file the annual statement required in this subdivision shall subject the  
1 remote seller to a penalty of ten dollars for each purchaser that should  
2 have been included in such annual statement unless the remote seller  
3 shows reasonable cause for such failure.  
4 Sec. 6. The department may adopt and promulgate rules and  
5 regulations to carry out the Remote Seller Sales Tax Collection Act.  
6 Sec. 7. If any section in this act or any part of any section is  
7 declared invalid or unconstitutional, the declaration shall not affect  
8 the validity or constitutionality of the remaining portions.  
9 Sec. 8. Since an emergency exists, this act takes effect when  
10 passed and approved according to law.

Senator Chambers offered the following amendment to the Watermeier amendment:

FA64

Amend AM1074

Strike Section 5.

Pending.

**LEGISLATIVE BILL 512.** ER49, found on page 936, was adopted.

Senator Morfeld offered his amendment, AM862, found on page 934.

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

Senator Briese offered his amendment, AM970, found on page 986.

The Briese amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Pending.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 68.** Placed on Select File with amendment.  
ER58

1 1. In the Standing Committee amendment, AM630, on page 21, line 31,  
2 strike "62-2404" and insert "69-2404".  
3 2. On page 1, strike beginning with "15-255" in line 1 through line  
4 6 and insert "15-255, 17-556, 18-1703, 28-101, 28-1201, 28-1204,  
5 28-1204.01, 28-1212, 28-1212.03, 69-2401, and 69-2404, Reissue Revised  
6 Statutes of Nebraska, and sections 14-102, 16-227, 23-187, 69-2402,  
7 69-2403, 71-904.01, and 71-963, Revised Statutes Cumulative Supplement,  
8 2016; to prohibit certain regulation of firearms, ammunition, and firearm  
9 accessories by cities, villages, and counties as prescribed; to provide  
10 for a cause of action; to define terms; to prohibit possession of  
11 firearms, air guns, air rifles, or paintball guns in a public place in a  
12 city of the metropolitan class as prescribed; to prohibit the  
13 transportation of firearms in a city of the metropolitan class as  
14 prescribed; to provide penalties; to change provisions relating to  
15 prohibited acts involving stolen firearms; to change provisions relating  
16 to handgun certificates; to provide for an affirmative defense; to  
17 harmonize provisions; and to repeal the original sections."

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**  
Government, Military and Veterans Affairs

**LEGISLATIVE BILL 25.** Placed on General File.

(Signed) John Murante, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 351.** Placed on General File with amendment.  
AM853

1 1. On page 12, line 28, after "served" insert "as a commissioned  
2 officer".  
3 2. On page 15, after line 11 insert the following new subsection:  
4 "(4) The eligibility requirements described in section 60-4,189 that  
5 are used in determining eligibility for a veteran designation on an  
6 operator's license or a state identification card shall apply only for

7 purposes of such section and shall not apply in determining veteran  
8 status for any other purpose.".

(Signed) Curt Friesen, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Lowe filed the following amendment to LB346:

AM1066

1 1. Insert the following new sections:

2 Section 1. Section 60-373, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 60-373 (1) Each licensed motor vehicle dealer or trailer dealer as  
5 defined in sections 60-1401.26 and 60-1401.37, respectively, doing  
6 business in this state, in lieu of registering each motor vehicle or  
7 trailer which such dealer owns of a type otherwise required to be  
8 registered, or any full-time or part-time employee or agent of such  
9 dealer may, if the motor vehicle or trailer displays dealer number  
10 plates:

11 (a) Operate or tow the motor vehicle or trailer upon the highways of  
12 this state solely for purposes of transporting, testing, demonstrating,  
13 or use in the ordinary course and conduct of business as a motor vehicle  
14 or trailer dealer. Such use may include personal or private use by the  
15 dealer and personal or private use by any bona fide employee ~~licensed~~  
16 ~~pursuant to the Motor Vehicle Industry Regulation Act~~, if the employee  
17 can be verified by payroll records maintained at the dealership as  
18 ordinarily working more than thirty hours per week or fifteen hundred  
19 hours per year at the dealership;

20 (b) Operate or tow the motor vehicle or trailer upon the highways of  
21 this state for transporting industrial equipment held by the licensee for  
22 purposes of demonstration, sale, rental, or delivery; or

23 (c) Sell the motor vehicle or trailer.

24 (2) Each licensed manufacturer as defined in section 60-1401.24  
25 which actually manufactures or assembles motor vehicles or trailers  
26 within this state, in lieu of registering each motor vehicle or trailer  
27 which such manufacturer owns of a type otherwise required to be  
1 registered, or any employee of such manufacturer may operate or tow the  
2 motor vehicle or trailer upon the highways of this state solely for  
3 purposes of transporting, testing, demonstrating to prospective  
4 customers, or use in the ordinary course and conduct of business as a  
5 motor vehicle or trailer manufacturer, upon the condition that any such  
6 motor vehicle or trailer display thereon, in the manner prescribed in  
7 section 60-3,100, dealer number plates as provided for in section  
8 60-3,114.

9 (3) In no event shall such plates be used on motor vehicles or  
10 trailers hauling other than automotive or trailer equipment, complete  
11 motor vehicles, or trailers which are inventory of such licensed dealer  
12 or manufacturer unless there is issued by the department a special permit  
13 specifying the hauling of other products. This section shall not be

14 construed to allow a dealer to operate a motor vehicle or trailer with  
 15 dealer number plates for the delivery of parts inventory. A dealer may  
 16 use such motor vehicle or trailer to pick up parts to be used for the  
 17 motor vehicle or trailer inventory of the dealer.

18 Sec. 2. Section 60-3,116, Revised Statutes Cumulative Supplement,  
 19 2016, is amended to read:

20 60-3,116 (1) Any licensed dealer or manufacturer may, upon payment  
 21 of an annual fee of two hundred fifty dollars, make an application, on a  
 22 form approved by the Nebraska Motor Vehicle Industry Licensing Board, to  
 23 the county treasurer of the county in which his or her place of business  
 24 is located for a certificate and one personal-use dealer license plate  
 25 for the type of motor vehicle or trailer the dealer has been authorized  
 26 by the Nebraska Motor Vehicle Industry Licensing Board to sell and  
 27 demonstrate. Additional personal-use dealer license plates may be  
 28 procured upon payment of an annual fee of two hundred fifty dollars each,  
 29 subject to the same limitations as provided in section 60-3,114 as to the  
 30 number of additional dealer license plates. A personal-use dealer license  
 31 plate may be displayed on a motor vehicle having a gross weight including  
 1 any load of six thousand pounds or less belonging to the dealer, may be  
 2 used in the same manner as a dealer license plate, and may be used for  
 3 personal or private use of the dealer, the dealer's immediate family, or  
 4 any bona fide employee of the dealer licensed pursuant to the Motor  
 5 Vehicle Industry Regulation Act.

6 (2) Personal-use dealer license plates shall have the same design  
 7 and shall be displayed as provided in sections 60-370 and 60-3,100.

8 2. On page 13, line 29, after "sections" insert "60-373,"; and in  
 9 line 31 strike "section" and insert "sections 60-3,116 and".

10 3. Renumber the remaining sections accordingly.

#### **MOTION(S) - Print in Journal**

Senator Lindstrom filed the following motion to LB257:

MO89

Bracket until May 18, 2017.

#### **SELECT FILE**

**LEGISLATIVE BILL 512.** Senator Harr offered the following  
 amendment:

AM1008

(Amendments to Standing Committee amendments, AM724)

1 1. On page 14, line 21, after "for" insert "current and future"; in  
 2 line 23 strike "on or before" and insert "prior to"; and in line 24 after  
 3 the first comma insert "amounts levied by a school district otherwise at  
 4 the maximum levy pursuant to subdivision (2)(a) of this section to pay  
 5 for current and future sums agreed to be paid by such school district in  
 6 exchange for the voluntary termination of a certificated teacher  
 7 occurring on or after the operative date of this section if such current  
 8 and future sums do not exceed forty thousand dollars in total for such  
 9 certificated teacher and such current and future sums are paid prior to

10 such certificated teacher becoming eligible for medicare or within five  
 11 years after the voluntary termination, whichever occurs first."  
 12 2. On page 31, lines 17 and 18 and 26 through 29, strike the new  
 13 matter; in line 18 after "for" insert "current and future"; in line 26  
 14 after "year" insert "and prior to the operative date of this section or  
 15 (ii) expenditures to pay for current and future sums agreed to be paid by  
 16 a school district in exchange for the voluntary termination of a  
 17 certificated teacher occurring on or after the operative date of this  
 18 section if such current and future sums do not exceed forty thousand  
 19 dollars in total for such certificated teacher and such current and  
 20 future sums are paid prior to such certificated teacher becoming eligible  
 21 for medicare or within five years after the voluntary termination,  
 22 whichever occurs first, to the extent that the district has demonstrated  
 23 to the State Board of Education pursuant to section 79-1028.01 that the  
 24 agreement will result in a net savings in salary and benefit costs to the  
 25 school district over a five-year period occurring on or after the first  
 26 day of the 2018-19 school year".  
 1 3. On page 42, line 31, after "for" insert "current and future".  
 2 4. On page 43, line 8, strike "on or before" and insert "prior to";  
 3 after line 8 insert the following new subdivision:  
 4 "(h) Expenditures, by a school district with budgeted expenditures  
 5 otherwise equal to the budget authority for the general fund budget of  
 6 expenditures for such school district as calculated pursuant to section  
 7 79-1023 for such school fiscal year, for current and future sums agreed  
 8 to be paid by a school district in exchange for the voluntary termination  
 9 of a certificated teacher occurring on or after the operative date of  
 10 this section if such current and future sums do not exceed forty thousand  
 11 dollars in total for such certificated teacher and such current and  
 12 future sums are paid prior to such certificated teacher becoming eligible  
 13 for medicare or within five years after the voluntary termination,  
 14 whichever occurs first, to the extent that the district has demonstrated  
 15 to the State Board of Education pursuant to subsection (3) of this  
 16 section that the agreement will result in a net savings in salary and  
 17 benefit costs to the school district over a five-year period occurring on  
 18 or after the first day of the 2018-19 school year;"; in line 9 strike  
 19 "(h)", show as stricken, and insert "(i)"; in line 10 strike "(i)", show  
 20 as stricken, and insert "(j)"; and in line 11 strike "(j)", show as  
 21 stricken, and insert "(k)".

**SENATOR HUGHES PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Senator Bolz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Harr moved for a call of the house. The motion prevailed with 33 ayes, 7 nays, and 9 not voting.

Senator Harr requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 19:

Baker	Hilkemann	McDonnell	Riepe	Wayne
Chambers	Howard	Morfeld	Schumacher	Williams
Crawford	Kolowski	Pansing Brooks	Vargas	Wishart
Hansen	McCollister	Quick	Walz	

Voting in the negative, 18:

Albrecht	Briese	Geist	Hughes	Scheer
Bostelman	Clements	Groene	Kuehn	Smith
Brasch	Erdman	Halloran	Linehan	
Brewer	Friesen	Hilgers	Lowe	

Present and not voting, 8:

Bolz	Ebke	Kolterman	Murante
Craighead	Harr	Lindstrom	Stinner

Excused and not voting, 4:

Blood	Krist	Larson	Watermeier
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The Harr amendment lost with 19 ayes, 18 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

## RESOLUTION(S)

**LEGISLATIVE RESOLUTION 104.** Introduced by Kolterman, 24.

WHEREAS, Concordia University will confer the honorary degree of Doctor of Laws on Kennard "Ken" Pohlman at the commencement ceremony on May 6, 2017; and

WHEREAS, the Doctor of Laws degree is conferred upon individuals who have distinguished themselves through prolonged superior service in their field of study; and

WHEREAS, Ken earned a Bachelor of Science and a Master of Science from the University of Nebraska in 1962 and 1966 respectively; and

WHEREAS, Ken founded Midwest Laboratories in Omaha in 1975 and continues to serve as the Chief Executive Officer; and

WHEREAS, Midwest Labs began as a small soil-testing business and has expanded nationally to become one of the largest and most successful analytical laboratories in the world; and

WHEREAS, throughout his life, Ken has promoted, led, and supported area ministries. Ken has been a member of various congregations of the Lutheran Church-Missouri Synod for more than 60 years and has served on various boards at parishes in Omaha, Lincoln, Norfolk, and Lexington. He has been a member of King of Kings Lutheran Church in Omaha since 1975, where he has served on the Board of Education, Board of Elders, and Building Committee.

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

1. That the Legislature congratulates Kennard Pohlman for being honored by Concordia University with a Doctor of Laws degree.
2. That a copy of this resolution be sent to Concordia University and to Kennard Pohlman.

Laid over.

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 253.** Placed on Select File with amendment.  
ER59

1. On page 1, line 2, after the second semicolon insert "to change
- 2 provisions relating to joint action agreements;"; and in line 4 strike
- 3 "provide for a special tax levy" and insert "authorize a use for a sewer
- 4 tax levy".

(Signed) Anna Wishart, Chairperson

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 91A.** Placed on Final Reading.  
**LEGISLATIVE BILL 225A.** Placed on Final Reading.  
**LEGISLATIVE BILL 263A.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

#### **SELECT FILE**

**LEGISLATIVE BILL 512.** Senator Harr offered the following motion:  
MO90  
Reconsider the vote taken on AM1008.

Pending.

**GENERAL FILE**

**LEGISLATIVE BILL 223.** Title read. Considered.

Committee AM950, found on page 964, was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 578.** Title read. Considered.

Committee AM917, found on page 967, was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 512.** Senator Harr asked unanimous consent to withdraw his motion, MO90, found in this day's Journal, to reconsider the vote taken on AM1008. No objections. So ordered.

Senator Harr offered the following amendment:  
AM1083

(Amendments to Standing Committee amendments, AM724)

- 1 1. On page 14, line 21, after "for" insert "current and future"; in
- 2 line 23 strike "on or before" and insert "prior to"; and in line 24 after
- 3 the first comma insert "amounts levied by a school district otherwise at
- 4 the maximum levy pursuant to subdivision (2)(a) of this section to pay
- 5 for current and future sums agreed to be paid by such school district in
- 6 exchange for the voluntary termination of a certificated teacher
- 7 occurring on or after the operative date of this section and not as a
- 8 result of a collective-bargaining agreement if such current and future
- 9 sums do not exceed thirty-five thousand dollars in total for such
- 10 certificated teacher and such current and future sums are paid prior to
- 11 such certificated teacher becoming eligible for medicare or within five
- 12 years after the voluntary termination, whichever occurs first."
- 13 2. On page 31, lines 17 and 18 and 26 through 29, strike the new
- 14 matter; in line 18 after "for" insert "current and future"; in line 26
- 15 after "year" insert "and prior to the operative date of this section or
- 16 (ii) expenditures to pay for current and future sums agreed to be paid by
- 17 a school district in exchange for the voluntary termination of a
- 18 certificated teacher occurring on or after the operative date of this
- 19 section and not as a result of a collective-bargaining agreement if such
- 20 current and future sums do not exceed thirty-five thousand dollars in
- 21 total for such certificated teacher and such current and future sums are
- 22 paid prior to such certificated teacher becoming eligible for medicare or



23 within five years after the voluntary termination, whichever occurs  
 24 first, to the extent that the district has demonstrated to the State  
 25 Board of Education pursuant to section 79-1028.01 that the agreement will  
 26 result in a net savings in salary and benefit costs to the school  
 1 district over a five-year period occurring on or after the first day of  
 2 the 2018-19 school year".  
 3 3. On page 42, line 31, after "for" insert "current and future".  
 4 4. On page 43, line 8, strike "on or before" and insert "prior to";  
 5 after line 8 insert the following new subdivision:  
 6 "(h) Expenditures, by a school district with budgeted expenditures  
 7 otherwise equal to the budget authority for the general fund budget of  
 8 expenditures for such school district as calculated pursuant to section  
 9 79-1023 for such school fiscal year, for current and future sums agreed  
 10 to be paid by a school district in exchange for the voluntary termination  
 11 of a certificated teacher occurring on or after the operative date of  
 12 this section and not as a result of a collective-bargaining agreement if  
 13 such current and future sums do not exceed thirty-five thousand dollars  
 14 in total for such certificated teacher and such current and future sums  
 15 are paid prior to such certificated teacher becoming eligible for  
 16 medicare or within five years after the voluntary termination, whichever  
 17 occurs first, to the extent that the district has demonstrated to the  
 18 State Board of Education pursuant to subsection (3) of this section that  
 19 the agreement will result in a net savings in salary and benefit costs to  
 20 the school district over a five-year period occurring on or after the  
 21 first day of the 2018-19 school year."; in line 9 strike "(h)", show as  
 22 stricken, and insert "(i)"; in line 10 strike "(i)", show as stricken,  
 23 and insert "(j)"; and in line 11 strike "(j)", show as stricken, and  
 24 insert "(k)".

Senator Chambers requested a roll call vote on the Harr amendment.

The Harr amendment was adopted with 30 ayes, 6 nays, 7 present and not voting, and 6 excused and not voting.

Senator Groene offered the following amendment:

AM1076

(Amendments to Standing Committee amendments, AM724)

1 1. On page 53, line 10, strike "3311(b)" and insert "3311(b)(9)".

The Groene amendment was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT(S)**  
 Enrollment and Review

**LEGISLATIVE BILL 427.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 105.** Introduced by Scheer, 19.

WHEREAS, the cities of Norfolk, Nebraska and Blantyre, Malawi have established a relationship based on the work of Joe Mtika in educating the students of Malawi; and

WHEREAS, H.E. Ambassador Edward Yakoloe Sawerengera and Mayor Wild Ndipo are visiting Norfolk in honor of the commencement of a ceremony to induct Norfolk and Blantyre as sister cities; and

WHEREAS, the City of Norfolk recognizes the significance and importance of the ceremony as a momentous occasion for furthering education in Malawi and extends a gracious welcome to H.E. Ambassador Edward Yakoloe Sawerengera and Mayor Wild Ndipo; and

WHEREAS, the City of Norfolk assures its continued support as a great resource for the college education system and Northeast Community College will continue to provide its assistance in such efforts.

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

1. That the Legislature welcomes H.E. Ambassador Edward Yakoloe Sawerengera and Mayor Wild Ndipo to Nebraska and expresses its optimism in fostering a strong relationship for the years to come.

2. That the Legislature congratulates and salutes the cities of Blantyre, Malawi and Norfolk, Nebraska on the occasion of their twinning.

3. That the Legislature expresses its commitment and optimism in maintaining and strengthening the relationship between Nebraska and Malawi through the Norfolk Private Schools-Malawi, and its efforts.

4. That Nebraska hopes to develop further opportunities for the City of Norfolk and Northeast Community College for the continued education of the students in Malawi.

Laid over.

**AMENDMENT(S) - Print in Journal**

Senator Hansen filed the following amendment to LB259:  
AM1082

(Amendments to Standing Committee amendments, AM933)

- 1 1. On page 1, strike lines 22 through 24.
- 2 2. On page 2, strike beginning with "If" in line 7 through the
- 3 underscored period in line 10.
- 4 3. On page 4, line 15, strike "an" through "organization" and insert
- 5 "a person, an organization"; and in line 16 after "program" insert
- 6 "approved by the county board".

**VISITORS**

Visitors to the Chamber were 100 fourth-grade students and teachers from Field Club Elementary, Omaha.

The Doctor of the Day was Dr. Brent Jameson from Stromsburg.

**ADJOURNMENT**

At 6:20 p.m., on a motion by Senator Ebke, the Legislature adjourned until 9:00 a.m., Wednesday, April 19, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTY-SEVENTH DAY - APRIL 19, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**SIXTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 19, 2017

**PRAYER**

The prayer was offered by Father Gary Coulter, Our Lady of Good Counsel Retreat House, Waverly.

**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 Krist who was excused; and Senators Blood, Kuehn, Larson, McCollister, Murante, Watermeier, and Wayne who were excused until they arrive.

**PRESIDENT FOLEY PRESIDING**

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-sixth day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 99, 100, and 101 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 99, 100, and 101.

**GENERAL FILE**

**LEGISLATIVE BILL 409.** Title read. Considered.

Committee AM955, found on page 959, was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Senator Groene withdrew his amendment, AM474, found on page 608.

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

**SELECT FILE**

**LEGISLATIVE BILL 172.** Senator Albrecht offered her amendment, AM964, found on page 1018.

The Albrecht amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 152.** ER51, found on page 973, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 346.** Senator Lowe offered his amendment, AM1066, found on page 1075.

The Lowe amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 323.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 257.** ER53, found on page 973, was adopted.

Senator Lindstrom offered his motion, MO89, found on page 1076, to bracket until May 18, 2017.

Senator Lindstrom withdrew his motion to bracket.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 478.** Senator Groene offered his amendment, AM988, found on page 1041.

The Groene amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 509.** ER54, found on page 993, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 509A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 97.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 605.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 481.** ER56, found on page 1053, was adopted.

Advanced to Enrollment and Review for Engrossment.

#### **GENERAL FILE**

**LEGISLATIVE BILL 259.** Title read. Considered.

Committee AM933, found on page 1024, was offered.

Senator Hansen offered his amendment, AM1082, found on page 1082, to the committee amendment.

The Hansen amendment was adopted with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 26 ayes, 3 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 4 nays, 15 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 268.** Title read. Considered.

Committee AM618, found on page 699, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 661.** Title read. Considered.

Senator Chambers withdrew his motion, MO20, found on page 332, to rerefer to the Judiciary Committee.

Senator Chambers asked unanimous consent to withdraw his amendment, AM876, found on page 902, and replace it with his substitute amendment, AM918, found on page 919. No objections. So ordered.

**SPEAKER SCHEER PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Pending.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Clements name added to LB68.  
Senator Watermeier name added to LB244

**VISITORS**

Visitors to the Chamber were 20 fourth-grade students from Pawnee City Public; Senator Hilkemann's sister and sister-in-law, Bonnie Hilkemann from Chicago and June Bryngelson from Waco, TX; 25 twelfth-grade students and teacher from Superior High School; 50 fourth-grade students and sponsors from Birch Crest Elementary, Bellevue; Senator Lowe's mother, Andrea, from Kearney; and Senator Kuehn's mother, Janette, from Heartwell.

**RECESS**

At 11:58 a.m., on a motion by Senator Kolowski, 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 Senator Krist who was excused; and Senators Bolz, Larson, Linehan, Smith, Stinner, and Watermeier who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 622.** Title read. Considered.

**SENATOR LINDSTROM PRESIDING**

Committee AM697, found on page 767, was offered.

**SPEAKER SCHEER PRESIDING**

Pending.



**CEREMONIES**

The Speaker introduced a group from the Nebraska Association of Former State Legislators.

**PRESIDENT FOLEY PRESIDING****GENERAL FILE**

**LEGISLATIVE BILL 661.** The Chambers amendment, AM918, found on page 919 and considered in this day's Journal, was renewed.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 223.** Placed on Select File with amendment.

ER62

1 1. In the Standing Committee amendments, AM 950, on page 2, line 8;  
2 and page 5, line 11, before "Health" insert "federal".  
3 2. On page 1, line 2, after the semicolon insert "to provide for  
4 availability and confidentiality of prescription information and certain  
5 data as prescribed; to change provisions relating to reporting by  
6 veterinarians;"; and in line 3 strike "redefine a term" and insert  
7 "define and redefine terms".

**LEGISLATIVE BILL 578.** Placed on Select File with amendment.

ER63

1 1. On page 1, strike beginning with "medicaid" in line 1 through  
2 "prescribed" in line 4 and insert "health care; to amend section 68-901,  
3 Revised Statutes Cumulative Supplement, 2016; to adopt the Ground  
4 Emergency Medical Transport Act; to harmonize provisions; and to repeal  
5 the original section.".

(Signed) Anna Wishart, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 255A.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 255, One Hundred Fifth Legislature, First Session, 2017; and to declare an emergency.

**AMENDMENT(S) - Print in Journal**

Senator Hughes filed the following amendment to LB461:  
AM1069

(Amendments to Standing Committee amendments, AM954)

1 1. On page 53, line 17, strike "and 77-1363" and insert "77-1363,  
2 and 77-2704.67".

Senator McCollister filed the following amendment to LB159:  
AM1097

1 1. Insert the following new section:  
2 Sec. 3. Since an emergency exists, this act takes effect when passed  
3 and approved according to law.

**MOTION(S) - Print in Journal**

Senator Watermeier filed the following motion:  
Senators Watermeier, Bolz, Crawford, Hughes, Kuehn, McCollister, and  
Scheer move that the Legislature, in accord with the findings and  
recommendations contained in the Report of the Special Committee  
regarding the Election Challenge to the Qualification of Ernie Chambers,  
dismiss the challenge to the qualifications of Ernie Chambers and seat Ernie  
Chambers as a member of the One Hundred Fifth Legislature representing  
the 11th Legislative District.

Laid over.

**VISITORS**

Visitors to the Chamber were former Senator DiAnna R. Schimek from  
Lincoln; Senator Bostelman's sister, Jolene Pohlman, from Milford; 50  
fourth-grade students from Washington Elementary, Norfolk; 28  
twelfth-grade students, teachers, and sponsors from Burwell Public School;  
and former Senator Gwen Howard from Omaha.

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

**ADJOURNMENT**

At 5:28 p.m., on a motion by Senator Hansen, the Legislature adjourned  
until 9:00 a.m., Thursday, April 20, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTY-EIGHTH DAY - APRIL 20, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**SIXTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 20, 2017

**PRAYER**

The prayer was offered by Pastor Bob Lawrence, Auburn Church of Christ, Auburn.

**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 Senator Kuehn who was excused; and Senators Bolz, Howard, Hughes, McCollister, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-seventh day was approved.

**MOTION(S) - Confirmation Report(s)**

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1042:

Nebraska Power Review Board  
Greg Moen

Voting in the affirmative, 36:

Albrecht	Craighead	Hansen	McDonnell	Walz
Baker	Crawford	Hilgers	Morfeld	Watermeier
Blood	Ebke	Kolowski	Pansing Brooks	Wayne
Bostelman	Erdman	Kolterman	Quick	Williams
Brasch	Friesen	Krist	Scheer	
Briese	Geist	Larson	Schumacher	
Chambers	Groene	Linehan	Smith	
Clements	Halloran	Lowe	Stinner	

Voting in the negative, 0.

Present and not voting, 7:

Brewer	Hilkemann	Riepe	Wishart
Harr	Lindstrom	Vargas	

Excused and not voting, 6:

Bolz	Hughes	McCollister
Howard	Kuehn	Murante

The appointment was confirmed with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

### **MOTION(S) - Election Challenge Report**

Senator Watermeier offered the motion found on page 1090 that the Legislature, in accord with the findings and recommendations contained in the Report of the Special Committee regarding the Election Challenge to the Qualification of Ernie Chambers, dismiss the challenge to the qualifications of Ernie Chambers and seat Ernie Chambers as a member of the One Hundred Fifth Legislature representing the 11th Legislative District.

The Watermeier motion prevailed with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 106.** Introduced by Halloran, 33.

WHEREAS, Trey Gill, Rishav Srivastava, Derrick Nelson, Cole Shardelow, Drew Reed, and Samuel E. Johnson, members of Troop 207 of Hastings, have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Trey, Rishav, Derrick, Cole, Drew, and Samuel, through their hard work and perseverance, have joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Trey Gill, Rishav Srivastava, Derrick Nelson, Cole Shardelow, Drew Reed, and Samuel E. Johnson on achieving the rank of Eagle Scout.

2. That copies of this resolution be sent to Trey Gill, Rishav Srivastava, Derrick Nelson, Cole Shardelow, Drew Reed, and Samuel E. Johnson.

Laid over.

**LEGISLATIVE RESOLUTION 107.** Introduced by Halloran, 33.

WHEREAS, Dakota Sell and Eric Aldrich, members of Troop 192 of Hastings, have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Dakota and Eric, through their hard work and perseverance, have joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Dakota Sell and Eric Aldrich on achieving the rank of Eagle Scout.

2. That copies of this resolution be sent to Dakota Sell and Eric Aldrich.

Laid over.

**LEGISLATIVE RESOLUTION 108.** Introduced by Halloran, 33.

WHEREAS, Alex Kleinjan, a member of Troop 200 of Hastings, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Alex has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Alex, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Alex Kleinjan on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Alex Kleinjan.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 234.** Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 255.** Title read. Considered.

Committee AM91, found on page 448, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 255A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 455.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 645.** Title read. Considered.

Committee AM106, found on page 555, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 430.** Title read. Considered.

Committee AM176, found on page 638, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 558.** Title read. Considered.

**SENATOR WATERMEIER PRESIDING**

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

**LEGISLATIVE BILL 315.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 159.** Title read. Considered.

Committee AM22, found on page 348, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator McCollister offered his amendment, AM1097, found on page 1090.

The McCollister amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 138.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 142.** Title read. Considered.

Senator Williams offered his amendment, AM179, found on page 897.

The Williams amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 20.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 63.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 154.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 176.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 383.** Title read. Considered.

Committee AM49, found on page 393, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 231.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 239.** Title read. Considered.

**SPEAKER SCHEER PRESIDING**

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 306.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.



**LEGISLATIVE BILL 241.** Title read. Considered.

Committee AM100, found on page 397, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 519.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 464.** Title read. Considered.

**PRESIDENT FOLEY PRESIDING**

Committee AM99, found on page 404, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 264.** Title read. Considered.

Committee AM57, found on page 404, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 371.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 86.** Title read. Considered.

Committee AM33, found on page 422, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 476.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 406.** Title read. Considered.

Committee AM204, found on page 454, was adopted with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 584.** Title read. Considered.

Committee AM181, found on page 461, 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 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 375.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 463.** Title read. Considered.

Committee AM294, found on page 521, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 318.** Title read. Considered.

Senator Hughes offered the following amendment:

AM1114

1 1. Insert the following new section:

2 Sec. 3. Since an emergency exists, this act takes effect when passed

3 and approved according to law.

The Hughes amendment was adopted with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 280.** Title read. Considered.

Committee AM48, found on page 557, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 624.** Title read. Considered.

Committee AM330, found on page 558, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 204.** Title read. Considered.

Committee AM306, found on page 572, 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 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 109.** Introduced by Larson, 40.

**PURPOSE:** The purpose of this interim study is to examine the collection of annual assessments under the Property Assessed Clean Energy (PACE) Act. The issues addressed by this interim study shall include, but not be limited to:

- (1) A review of the process by which other types of municipal assessments, including special assessments, are collected;
- (2) A review of the role of county assessors in collecting municipal special assessments; and
- (3) An examination of Federal Housing Administration (FHA) regulations and guidelines concerning the eligibility of properties subject to PACE assessments to receive FHA-insured mortgage financing.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**COMMITTEE REPORT(S)**

Business and Labor

The Business and Labor 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.

Martin Kasl - Boiler Safety Code Advisory Board

Aye: 7 Albrecht, Chambers, Crawford, Halloran, Hansen, Howard, Lowe.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Business and Labor 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.

Aaron Jazyuka - Boiler Safety Code Advisory Board

Aye: 7 Albrecht, Chambers, Crawford, Halloran, Hansen, Howard, Lowe.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Joni Albrecht, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Czaplewski, Mark - Nebraska Natural Resources Commission - Natural Resources

Danon, Steven F. - State Emergency Response Commission - Government, Military and Veterans Affairs

Smith, Beth - Nebraska State Fair Board - Agriculture

(Signed) Dan Watermeier, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services

Room 1510

Tuesday, May 2, 2017 1:00 p.m.

Brian Brightman - State Board of Health

(Signed) Merv Riepe, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 268A.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 268, One Hundred Fifth Legislature, First Session, 2017.

**AMENDMENT(S) - Print in Journal**

Senators Smith, Erdman, and Brasch filed the following amendment to LB461:

AM1095

(Amendments to Standing Committee amendments, AM954)

- 1 1. On page 3, line 18, strike "The county assessor shall use" and
- 2 insert "All agricultural land and horticultural land shall be assessed
- 3 for taxation purposes using".
- 4 2. On page 4, line 4, strike "land capability groups by the Property
- 5 Tax Administrator" and insert "productivity groups by the Agricultural
- 6 Land Valuation Committee"; in line 6 after "by" insert "the committee,"
- 7 and after "assessors" insert an underscored comma; in line 9 after "to"
- 8 insert "group soil classifications into productivity groups by class or
- 9 subclass of property. The committee shall also"; in line 10 strike
- 10 "agricultural land and horticultural land" and insert "productivity
- 11 groups"; in line 11 after "rates" insert "for each class and subclass of
- 12 agricultural land and horticultural land in each county as"; and strike
- 13 beginning with "either" in line 26 through "Institute" in line 28 and
- 14 insert "an Accredited Rural Appraiser designation granted by the American
- 15 Society of Farm Managers and Rural Appraisers".
- 16 3. On page 5, strike beginning with "and" in line 2 through the
- 17 second occurrence of "land" in line 3 and insert "for each productivity
- 18 group"; in line 7 after the period insert "The committee shall meet in
- 19 November 2017 to establish capitalization rates for each class or
- 20 subclass of agricultural land and horticultural land as provided in
- 21 section 7 of this act. Beginning in November 2018 and each November
- 22 thereafter, the committee shall review the capitalization rates and make
- 23 adjustments as necessary to ensure uniform and proportionate assessments
- 24 of all agricultural land and horticultural land"; in line 8 strike "such
- 25 meeting" and insert "the committee's meetings"; in line 15 strike "value"
- 26 and insert "productivity"; and in line 18 strike "Gross" and insert "For
- 1 irrigated cropland and dryland cropland, gross".
- 2 4. On page 5, lines 24, 30, and 31; page 6, lines 12 and 30; page 7,
- 3 lines 12, 20, and 25; and page 11, line 25, strike "land capability" and
- 4 insert "productivity".
- 5 5. On page 8, lines 30 and 31, strike "capitalization rate" and
- 6 insert "agricultural-use values".
- 7 6. On page 24, line 11, after "Board" insert "in its October

8 forecast".

9 7. On page 37, line 11, strike the first comma and show as stricken,  
 10 after "each" insert "tax", and after "thereafter" insert "through tax  
 11 year 2018"; and in line 14 after the period insert "For tax year 2019,  
 12 the credit amount shall be one hundred forty-six dollars. For tax year  
 13 2020 and each tax year thereafter, the credit amount shall be adjusted  
 14 for inflation by the method provided in section 151 of the Internal  
 15 Revenue Code of 1986, as amended. The one-hundred-forty-six-dollar credit  
 16 amount shall be adjusted for cumulative inflation since 2019.".

Senator Hansen filed the following amendment to LB259:  
 AM1106

(Amendments to Standing Committee amendments, AM933)

- 1 1. On page 12, line 1, strike "2018" and insert "2019".
- 2 2. On page 20, line 5, strike "2018" and insert "2019".

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Clements name added to LB661.

#### **VISITORS**

Visitors to the Chamber were Gus Woeppel, an eleventh-grade student from Norris High School; 50 fourth-grade students from St. Gerald Catholic School, Ralston; 40 fourth-grade students from Rousseau Elementary School, Lincoln; 50 members of the Youth Climate Summit; 13 twelfth-grade students and teacher from Omaha Burke High School; 34 fourth-grade students and teachers from Prairie Lane Elementary, Omaha; 13 third- and fourth-grade students from Christ Lutheran School, Juniata; and 57 fourth-grade students from Wayne Elementary.

#### **RECESS**

At 11:54 a.m., on a motion by Senator Harr, the Legislature recessed until 1:30 p.m.

#### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

#### **ROLL CALL**

The roll was called and all members were present except Senators Kuehn and Morfeld who were excused; and Senators Bolz, Chambers, Hilgers, Stinner, and Watermeier who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 492.** Title read. Considered.

Committee AM310, found on page 575, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 274.** Title read. Considered.

Committee AM254, found on page 587, was adopted with 29 ayes, 1 nay, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 209.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 307.** Title read. Considered.

Committee AM227, found on page 759, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 517.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 320.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 458.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 200.** Title read. Considered.

Committee AM21, found on page 920, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 508.** Title read. Considered.

Committee AM658, found on page 922, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 382.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

#### AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB461:  
AM1104

(Amendments to Standing Committee amendments, AM954)

- 1 1. Strike sections 1 to 9 and insert the following new sections:
- 2 Section 1. Sections 1 to 9 of this act shall be known and may be
- 3 cited as the Agricultural Valuation Fairness Act.
- 4 Sec. 2. Pursuant to Article VIII, section 1, subdivisions (4) and
- 5 (5), of the Constitution of Nebraska, the Legislature finds and declares
- 6 that:
- 7 (1) The agricultural industry is a vital part of the economy of this
- 8 state;
- 9 (2) The nature of the agricultural industry and commodity prices
- 10 affect the value of agricultural land and horticultural land;
- 11 (3) All agricultural land and horticultural land in Nebraska has an
- 12 actual value as defined in section 77-112 reflecting purposes or uses
- 13 other than agricultural or horticultural purposes or uses;
- 14 (4) Market influences to use agricultural land and horticultural
- 15 land for purposes other than agricultural or horticultural purposes are
- 16 present throughout the state and cause the prices paid for agricultural
- 17 land and horticultural land to exceed the value such land has for
- 18 agricultural or horticultural purposes;
- 19 (5) The best and most uniform way to exclude any value that
- 20 agricultural land and horticultural land has for purposes other than
- 21 agricultural or horticultural purposes is to rely on the income-producing
- 22 characteristics of the land; and
- 23 (6) Agricultural land and horticultural land should be assessed at



24 its agricultural-use value using an income approach that complies with  
25 professionally accepted mass appraisal techniques.

26 Sec. 3. For purposes of the Agricultural Valuation Fairness Act:

1 (1) Agricultural land and horticultural land means a parcel of land,  
2 excluding land associated with a building or enclosed structure located  
3 on the parcel, which is primarily used for agricultural or horticultural  
4 purposes, including wasteland lying in or adjacent to and in common  
5 ownership or management with other agricultural land and horticultural  
6 land;

7 (2) Agricultural or horticultural purposes means used for the  
8 commercial production of any plant or animal product in a raw or  
9 unprocessed state that is derived from the science and art of  
10 agriculture, aquaculture, or horticulture. Agricultural or horticultural  
11 purposes includes the following uses of land:

12 (a) Land retained or protected for future agricultural or  
13 horticultural purposes under a conservation easement approved as required  
14 by section 76-2,112 except when the parcel or a portion thereof is being  
15 used for purposes other than agricultural or horticultural purposes; and  
16 (b) Land enrolled in a federal or state program in which payments  
17 are received for removing such land from agricultural or horticultural  
18 production;

19 (3) Agricultural-use value means the value of land for agricultural  
20 or horticultural purposes or uses without regard to the value of such  
21 land for other purposes or uses as determined pursuant to the  
22 Agricultural Valuation Fairness Act;

23 (4) Farm home site means land contiguous to a farm site which  
24 includes an inhabitable residence and improvements used for residential  
25 purposes and which is located outside of urban areas or outside a platted  
26 and zoned subdivision;

27 (5) Farm site means the portion of land contiguous to land actively  
28 devoted to agriculture which includes improvements that are agricultural  
29 or horticultural in nature, including any uninhabitable or unimproved  
30 farm home site; and

31 (6) Olympic average means an average that excludes the high and low  
1 observations in a sample.

2 Sec. 4. (1) Agricultural land and horticultural land shall be a  
3 separate and distinct class of real property for purposes of assessment.

4 (2) For assessments made on or after January 1, 2019, the assessed  
5 value of agricultural land and horticultural land shall be determined as  
6 follows:

7 (a) The assessed value of agricultural land and horticultural land  
8 shall not be uniform and proportionate with all other real property, but  
9 the assessed value shall be uniform and proportionate within the class of  
10 agricultural land and horticultural land based on the income potential of  
11 the land; and

12 (b) Agricultural land and horticultural land shall be valued at its  
13 agricultural-use value as determined pursuant to the Agricultural  
14 Valuation Fairness Act regardless of any value which such land might have  
15 for purposes other than agricultural or horticultural purposes.

16 (3) The eligibility of land for agricultural-use value shall be  
17 determined each year as of January 1. If land so qualified becomes  
18 disqualified on or before December 31 of that year, it shall continue to  
19 receive agricultural-use value until January 1 of the year following.  
20 Sec. 5. (1) The county assessor shall use an income-approach  
21 calculation to determine the agricultural-use value for each assessment  
22 year beginning on or after January 1, 2019. The income-approach  
23 calculation shall be consistent with the Agricultural Valuation Fairness  
24 Act and any rules and regulations adopted and promulgated by the Tax  
25 Commissioner and shall comply with professionally accepted mass appraisal  
26 techniques.  
27 (2) For purposes of assessing agricultural land and horticultural  
28 land using the income approach, agricultural land and horticultural land  
29 shall be divided into classes and subclasses of real property under  
30 section 77-103.01, including, but not limited to, irrigated cropland,  
31 dryland cropland, grassland used for grazing, grassland used for haying,  
1 wasteland, nurseries, feedlots, and orchards, so that the categories  
2 reflect uses appropriate for the valuation of such land according to law.  
3 Classes shall be inventoried by subclasses of real property based on soil  
4 classification indices developed by the Natural Resources Conservation  
5 Service of the United States Department of Agriculture. Nothing in this  
6 section shall be construed to limit the classes and subclasses of real  
7 property that may be used by county assessors or the Tax Equalization and  
8 Review Commission to achieve more uniform and proportionate valuations.  
9 Sec. 6. (1) The Agricultural Land Valuation Committee is created.  
10 The committee's purpose shall be to develop income and expense estimates  
11 for all agricultural land and horticultural land in Nebraska and  
12 capitalization rates necessary to produce uniform and proportionate  
13 assessed valuations. The committee shall meet in November of each year  
14 and at the call of the chairperson thereafter. The committee shall  
15 consist of the following five persons:  
16 (a) The Tax Commissioner or a designee from his or her staff who  
17 shall serve as the chairperson of the committee;  
18 (b) A representative of the agricultural and horticultural industry  
19 appointed by the Tax Commissioner. The appointment shall be based on  
20 recommendations made by not less than three industry groups designated by  
21 the Tax Commissioner;  
22 (c) A county assessor appointed by the Tax Commissioner. The county  
23 assessor shall be skilled in the valuation of agricultural land and  
24 horticultural land and shall hold a certificate issued under section  
25 77-422;  
26 (d) An appraiser from the private sector appointed by the Tax  
27 Commissioner. Such appraiser shall hold either a valid credential as a  
28 certified general real property appraiser under the Real Property  
29 Appraiser Act or an MAI designation from the Appraisal Institute; and  
30 (e) A representative from the faculty of one of the research  
31 universities in the state specializing in agricultural economics  
1 appointed by the Tax Commissioner.  
2 (2) Agricultural land and horticultural land shall be valued based

3 on the agricultural-use value, reflected in a capitalized income approach  
4 developed pursuant to the Agricultural Valuation Fairness Act, using  
5 professionally accepted mass appraisal techniques. The assessed values of  
6 agricultural land and horticultural land shall be determined on the basis  
7 of the land's value in use for agricultural or horticultural purposes by  
8 capitalizing the net income by a rate that reflects the agricultural-use  
9 value in the ordinary course of trade.  
10 (3) The Agricultural Land Valuation Committee shall meet in November  
11 2018 and shall establish an initial income capitalization rate that shall  
12 achieve an aggregate agricultural-use value of between fifty-five to  
13 sixty-five percent of the 2018 assessed value which used the comparable  
14 sales method. Comparable sales shall not be used to assess the value of  
15 agricultural land and horticultural land after 2018.  
16 (4) Each November for each of the succeeding four years, the  
17 Agricultural Land Valuation Committee, in coordination with county  
18 assessors, shall establish an annual income and capitalization rate for  
19 each county for the following year which shall reduce aggregate  
20 agricultural-use value in each county by an additional ten percent until  
21 the aggregate agricultural-use value has been reduced to thirty percent  
22 of the 2018 assessed value.  
23 (5) Thereafter, the income and capitalization rate shall remain  
24 fixed for three years. The eight-year Olympic average commodity price and  
25 the eight-year Olympic average crop yield per soil classification index  
26 from the Natural Resources Conservation Service shall be the only  
27 variables considered by the county assessor when establishing an income-  
28 based value for a parcel of agricultural land and horticultural land in  
29 the county.  
30 (6) Every third November thereafter, in coordination with county  
31 assessors, the Agricultural Land Valuation Committee shall review and may  
1 change income and capitalization rates for agricultural land and  
2 horticultural land based on information available to the committee from  
3 the United States Department of Agriculture, the Natural Resources  
4 Conservation Service, the University of Nebraska Institute of Agriculture  
5 and Natural Resources, the Nebraska Investment Finance Authority, the  
6 Department of Revenue, and any other sources determined necessary by the  
7 committee. The Department of Revenue shall electronically publish notice  
8 of the committee's meetings no less than thirty days in advance.  
9 (7) At the call of the chairperson, the Agricultural Land Valuation  
10 Committee may review income and capitalization rates, and upon a four-  
11 fifths vote of the committee, may change income and capitalization rates  
12 to address unusual and exceptional circumstances that affect commodity  
13 prices or crop yields.  
14 (8) Gross income shall be determined by multiplying the eight-year  
15 Olympic average yield for each county by the eight-year Olympic average  
16 commodity price for each major crop type harvested in each county.  
17 (9) For irrigated cropland, dryland cropland, and grassland used for  
18 haying, the average yield information shall be determined based on the  
19 eight prior years published by the United States Department of  
20 Agriculture for those commodities appropriate for each Natural Resources

21 Conservation Service soil index, with the highest and lowest yields for  
22 that period excluded. The average commodity price shall be based on an  
23 average of the most recent eight years, excluding the highest and lowest  
24 prices of that period.  
25 (10) For grassland used for grazing, the average yield shall be  
26 based on the carrying capacity in terms of animal-unit months and the  
27 current rental value per animal-unit month for each Natural Resources  
28 Conservation Service soil index. Carrying capacity, by Natural Resources  
29 Conservation Service soil index, shall be based on productivity estimates  
30 published by the Natural Resources Conservation Service of the United  
31 States Department of Agriculture or other state or federal agencies as  
1 determined by the committee. Rental values per animal-unit month shall be  
2 based on an average of the most recent eight years, excluding the highest  
3 and lowest values of that period.  
4 (11) The gross income shall be established as a dollar-per-acre  
5 value by weighting the major crop types harvested in each county by the  
6 number of acres harvested in the previous year. Such crops may include  
7 continuous cropland wheat, summer fallow wheat, corn for grain, dry  
8 beans, sorghum for grain, sugar beets, soybeans for beans, oats, and  
9 alfalfa. Additional crop information appropriate for predominant crops in  
10 a county or for a Natural Resources Conservation Service soil index shall  
11 also be included when available.  
12 (12) Land uses such as accretion land, wasteland, orchards,  
13 vineyards, nurseries, and other agricultural land uses without sufficient  
14 income information available shall be valued using a professionally  
15 accepted mass appraisal technique that produces an assessment that  
16 complies with the percentages provided in this section.  
17 (13) Expenses shall be determined by the committee to reflect  
18 average expenses associated for each land use based on information from  
19 the United States Department of Agriculture, the University of Nebraska  
20 Institute of Agriculture and Natural Resources, landowner surveys made  
21 available to the committee, or other sources that yield reliable  
22 information. The committee may also use the typical landowner share,  
23 which reflects the proportion of the gross receipts received by the  
24 landowner in the normal course of farm operation, and typical leasing  
25 arrangements as determined from surveys conducted by the Property Tax  
26 Administrator or as published by other state or federal agencies.  
27 Sec. 7. The Agricultural Land Valuation Committee shall determine  
28 value for each Natural Resources Conservation Service soil index in each  
29 county by dividing the income determined for each parcel under section 6  
30 of this act by a capitalization rate established by the committee. The  
31 committee shall establish the capitalization rates to be applied to each  
1 class or subclass of agricultural land and horticultural land within each  
2 county. The committee shall issue a report of the values established for  
3 each Natural Resources Conservation Service soil index to each county  
4 assessor in Nebraska no later than January 1 of each year.  
5 Sec. 8. (1) The county assessor shall implement the values  
6 determined by the Agricultural Land Valuation Committee under the  
7 Agricultural Valuation Fairness Act. The resulting assessed values for

8 the class of agricultural land and horticultural land shall be reported  
9 on the abstract of real property pursuant to section 77-1514.  
10 (2) If a county assessor, based on the facts and circumstances,  
11 believes that the values for a Natural Resources Conservation Service  
12 soil index as determined by the committee result in values that are not  
13 uniform and proportionate within the class of agricultural land and  
14 horticultural land, the county assessor may petition the Tax  
15 Commissioner, on or before February 1, for an alternative value to be  
16 applied to that Natural Resources Conservation Service soil index. The  
17 county assessor shall show that the use of the committee's income or  
18 capitalization rate results in agricultural-use values that are not  
19 uniform and proportionate. The Tax Commissioner shall issue a written  
20 order to the county assessor no later than March 1.  
21 (3) If the Property Tax Administrator, based on the facts and  
22 circumstances, believes that any agricultural-use value as implemented by  
23 the county assessor does not comply with the requirements of the  
24 Agricultural Valuation Fairness Act, the Property Tax Administrator may  
25 petition the Tax Commissioner, on or before April 1, for an order to  
26 adjust the agricultural-use value to achieve compliance with the act. The  
27 Tax Commissioner shall issue a written order to the Property Tax  
28 Administrator no later than May 1.  
29 (4) Upon receipt of a petition by either the county assessor or the  
30 Property Tax Administrator under this section, the Tax Commissioner shall  
31 set a date for hearing and shall give notice thereof to the county  
1 assessor or Property Tax Administrator, as applicable. The hearing shall  
2 be held at least five days following the mailing of such notice. At the  
3 hearing, the county assessor, the Property Tax Administrator, or the  
4 legal representative of the county assessor or Property Tax Administrator  
5 may appear and show cause why the class or subclass of agricultural land  
6 and horticultural land in the county should or should not be adjusted. At  
7 the hearing, the Tax Commissioner may receive testimony from any  
8 interested person. The Tax Commissioner's order may be appealed within  
9 thirty days after the date of the order to the Tax Equalization and  
10 Review Commission in accordance with section 77-5013.  
11 (5) If, after the implementation of the orders described in  
12 subsections (2) and (3) of this section, the Tax Commissioner finds that  
13 the aggregate agricultural-use value of the entire class of agricultural  
14 land and horticultural land either (a) does not comply with the  
15 Agricultural Valuation Fairness Act or (b) exceeds the prior year's  
16 aggregate agricultural-use value of the entire class of agricultural land  
17 and horticultural land by more than three and one-half percent, the Tax  
18 Commissioner shall issue an order to each county in the state to  
19 uniformly adjust the capitalization rate to comply with the requirements  
20 of this subsection.  
21 (6) On or before June 5 of each year, the county assessor of any  
22 county adjusted by an order of the Tax Commissioner shall recertify the  
23 county abstract of assessment to the Property Tax Administrator. The  
24 Property Tax Administrator shall audit the records of the county assessor  
25 to determine whether the orders were implemented.

26 Sec. 9. The Tax Commissioner may adopt and promulgate rules and  
 27 regulations as necessary to carry out the Agricultural Valuation Fairness  
 28 Act.

29 2. On page 11, line 25, strike "land capability group" and insert

30 "Natural Resources Conservation Service soil indices".

31 3. On page 12, line 3, after "at" insert "one hundred percent of";

1 and in line 4 after "value" insert "for tax years prior to 2019, ninety

2 percent of its actual value for tax year 2019, eighty percent of its

3 actual value for tax year 2020, seventy percent of its actual value for

4 tax year 2021, sixty percent of its actual value for tax year 2022, and

5 fifty percent of its actual value for tax year 2023 and each tax year

6 thereafter. For all classes of real property subject to taxation, the

7 value shall not increase by more than three and one-half percent from the

8 prior year".

9 4. On page 53, line 4, strike "2018" and insert "2019".

#### **MOTION(S) - Print in Journal**

Senator Wayne filed the following motion to LR1CA:

MO91

Bracket until June 2, 2017.

Senator Wayne filed the following motion to LR1CA:

MO92

Recommit to the Government, Military and Veterans Affairs Committee.

#### **AMENDMENT(S) - Print in Journal**

Senator Wayne filed the following amendment to LR1CA:

FA65

On page 1, strike lines 10-20 and insert:

"In order to protect the fundamental constitutional right to vote, requiring a voter to present identification prior to being able to vote shall be prohibited."

#### **MOTION(S) - Print in Journal**

Senator Wayne filed the following motion to LB25:

MO93

Indefinitely postpone pursuant to Rule 6, Section 3(f).

#### **VISITORS**

Visitors to the Chamber were 37 third- and fourth-grade students, teachers, and sponsors from Niobrara Public School.

**ADJOURNMENT**

At 2:24 p.m., on a motion by Senator Blood, the Legislature adjourned until 9:00 a.m., Friday, April 21, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature





**SIXTY-NINTH DAY - APRIL 21, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**SIXTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, April 21, 2017

**PRAYER**

The prayer was offered by Pastor Jason Wolter, St. John's Lutheran Church, Tecumseh.

**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 Senator Kuehn who was excused; and Senators Murante, Stinner, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-eighth day was approved.

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services

Room 1510

Tuesday, May 2, 2017 1:00 p.m.

Candice Arteaga - Commission for the Deaf and Hard of Hearing

(Signed) Merv Riepe, Chairperson

**COMMITTEE REPORT(S)**  
Health and Human Services

**LEGISLATIVE BILL 439.** Placed on General File with amendment.  
AM1013

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

2 sections:

3 Section 1. Section 71-406, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 71-406 ~~(1)~~ Assisted-living facility has the same meaning as in  
 6 section 71-5903 means a facility where shelter, food, and care are  
 7 provided for remuneration for a period of more than twenty-four  
 8 consecutive hours to four or more persons residing at such facility who  
 9 require or request such services due to age, illness, or physical  
 10 disability.

11 ~~(2)~~ Assisted living facility does not include a home, apartment, or  
 12 facility where (a) casual care is provided at irregular intervals or (b)  
 13 a competent person residing in such home, apartment, or facility provides  
 14 for or contracts for his or her own personal or professional services if  
 15 no more than twenty-five percent of persons residing in such home,  
 16 apartment, or facility receive such services.

17 Sec. 2. Section 71-5803.05, Reissue Revised Statutes of Nebraska, is  
 18 amended to read:

19 71-5803.05 Assisted-living facility has the same meaning as in  
 20 section ~~71-5903~~ 71-406.

21 Sec. 3. Section 71-5902, Reissue Revised Statutes of Nebraska, is  
 22 amended to read:

23 71-5902 The purposes of the Assisted-Living Facility Act are to  
 24 supplement provisions of the Health Care Facility Licensure Act relating  
 25 to the licensure and regulation of assisted-living facilities, ~~and~~ to  
 26 provide for the health and safety of residents of such facilities, ~~and to~~  
 27 promote the goals of individualized decisionmaking and personal autonomy.

1 Sec. 4. Section 71-5903, Reissue Revised Statutes of Nebraska, is  
 2 amended to read:

3 71-5903 For purposes of the Assisted-Living Facility Act:

4 (1) Activities of daily living means activities such as bathing,  
 5 continence, dressing, grooming, eating, mobility, toileting,  
 6 transferring, and transfer, ambulation, exercise, toileting, eating,  
 7 self-administration of medication, and similar activities;

8 (2) Administrator means the person responsible for day-to-day  
 9 operations ~~operating officer~~ of an assisted-living facility and includes  
 10 a person with a title such as administrator, chief executive officer,  
 11 manager, superintendent, director, or other similar designation;

12 ~~(3)(a)~~ ~~(3)~~ Assisted-living facility means a residential setting that  
 13 provides assisted-living services for remuneration to four or more  
 14 persons who reside in such residential setting and are not related to the  
 15 owner of the residential setting and, except as provided in subdivision  
 16 (b) of this subdivision, includes a home, an apartment, or a facility has  
 17 the same meaning as in section 71-406; and

18 ~~(b)~~ Assisted-living facility does not include a home, an apartment,  
 19 or a facility in which (i) casual care is provided at irregular intervals  
 20 or (ii) a competent person residing in such home, apartment, or facility  
 21 provides for or contracts for his or her own personal or professional  
 22 services if no more than fifty percent of the persons residing in such  
 23 home, apartment, or facility receive such services;

24 ~~(4)~~ Assisted-living services means services that promote the health  
 25 and safety of persons in a residential setting, including housing, three

26 meals each day, access to staff for twenty-four hours each day,  
 27 noncomplex nursing interventions, and support with activities of daily  
 28 living, and includes resident assessment for admission and continued  
 29 stay;  
 30 (5) (4) Authorized representative means (a) a person authorized by a  
 31 resident of an assisted-living facility, such as a person holding a power  
 1 of attorney or a resident designee, or authorized by a court, such as a  
 2 guardian, to manage the affairs of the resident holding a durable power  
 3 of attorney for health care, (b) a guardian, or (c) a person appointed by  
 4 a court to manage the personal affairs of a resident of an assisted-  
 5 living facility other than the facility;  
 6 (6) (5) Chemical restraint means a psychopharmacologic drug that is  
 7 used for discipline or convenience and is not required to treat medical  
 8 symptoms;  
 9 (7) (6) Complex nursing interventions means interventions which  
 10 require nursing judgment to safely alter standard procedures in  
 11 accordance with the needs of the resident, which require nursing judgment  
 12 to determine how to proceed from one step to the next, or which require a  
 13 multidimensional application of the nursing process. ~~Complex nursing~~  
 14 interventions does not include a nursing assessment;  
 15 (8) (7) Department means the Department of Health and Human  
 16 Services;  
 17 (9) Noncomplex interventions (8) ~~Health maintenance activities~~ means  
 18 nurse assessments and ~~noncomplex~~ interventions which can safely be  
 19 performed according to exact directions, which do not require alteration  
 20 of the standard procedure, and for which the results and resident  
 21 responses are predictable;  
 22 (10) Part-time or intermittent basis means not to exceed ten hours  
 23 each week for each resident for a period of time with a predictable end  
 24 within twenty-one days;  
 25 (9) ~~Personal care means bathing, hair care, nail care, shaving,~~  
 26 ~~dressings, oral care, and similar activities;~~  
 27 (11) (10) Physical restraint means any manual method or physical or  
 28 mechanical device, material, or equipment attached or adjacent to the  
 29 resident's body that he or she cannot remove easily and that restricts  
 30 freedom of movement or normal access to his or her own body; and  
 31 (12) Resident services agreement means an agreement entered into by  
 1 the resident or the resident's authorized representative and the  
 2 assisted-living facility that stipulates the responsibilities of the  
 3 assisted-living facility and the resident, identifies service needs of  
 4 the resident, outlines the services that will be provided to the resident  
 5 by the assisted-living facility and from other sources, and specifies the  
 6 cost of services provided by the assisted-living facility.  
 7 (11) Stable or predictable means that a resident's clinical and  
 8 behavioral status and nursing care needs are determined to be (a)  
 9 nonfluctuating and consistent or (b) fluctuating in an expected manner  
 10 with planned interventions, including an expected deteriorating  
 11 condition.  
 12 Sec. 5. Section 71-5904, Reissue Revised Statutes of Nebraska, is

13 amended to read:

14 71-5904 Assisted living promotes resident self-direction and  
15 participation in decisions which emphasize independence, individuality,  
16 privacy, and dignity, and residential surroundings.

17 ~~To be eligible for admission to an assisted living facility, a  
18 person shall be in need of or wish to have available room, board,  
19 assistance with or provision of personal care, activities of daily  
20 living, or health maintenance activities or supervision due to age,  
21 illness, or physical disability.~~ The administrator shall have the  
22 discretion regarding admission or retention of residents of the assisted-  
23 living facility subject to the Assisted-Living Facility Act and rules and  
24 regulations adopted and promulgated under the act.

25 Sec. 6. Section 71-5905, Revised Statutes Cumulative Supplement,  
26 2016, is amended to read:

27 71-5905 (1) An assisted-living facility shall determine if an  
28 applicant for admission to the assisted-living facility is admitted or if  
29 a resident of the assisted-living facility is retained based on the care  
30 needs of the applicant or resident, the ability to meet those care needs  
31 within the assisted-living facility, and the degree to which the  
1 admission or retention of the applicant or resident poses a danger to the  
2 applicant or resident or others, not admit or retain a resident who  
3 requires complex nursing interventions or whose condition is not stable  
4 or predictable unless:

5 (a) The resident, if he or she is not a minor and is competent to  
6 make a rational decision as to his or her needs or care, or his or her  
7 authorized representative, and his or her physician or a registered nurse  
8 agree that admission or retention of the resident is appropriate;

9 (b) The resident or his or her authorized representative agrees to  
10 arrange for the care of the resident through appropriate private duty  
11 personnel, a licensed home health agency, or a licensed hospice; and

12 (c) ~~The resident's care does not compromise the facility operations  
13 or create a danger to others in the facility.~~

14 (2) Any complex nursing intervention or noncomplex intervention  
15 provided by an employee of the assisted-living facility shall be  
16 performed in accordance with applicable state law. Health maintenance  
17 activities at an assisted living facility shall be performed in  
18 accordance with the Nurse Practice Act and the rules and regulations  
19 adopted and promulgated under the act.

20 (3) Each assisted-living facility shall provide written information  
21 about the practices of the assisted-living facility to each applicant for  
22 admission to the facility or his or her authorized representative. The  
23 information shall include:

24 (a) A description of the services provided by the assisted-living  
25 facility and the staff available to provide the services;

26 (b) The charges for services provided by the assisted-living  
27 facility;

28 (c) Whether or not the assisted-living facility accepts residents  
29 who are eligible for the medical assistance program under the Medical  
30 Assistance Act and, if applicable, the policies or limitations on access

31 to services provided by the assisted-living facility for residents who  
1 seek care paid by the medical assistance program;

2 (d) The criteria for admission to and continued residence in the  
3 assisted-living facility and the process for addressing issues that may  
4 prevent admission to or continued residence in the circumstance under  
5 which a resident would be required to leave an assisted-living facility;

6 (e) The process for developing and updating the resident services  
7 agreement; ~~and~~

8 (f) For facilities that have special care units for dementia, the  
9 additional services provided to meet the special needs of persons with  
10 dementia; ~~and~~ -

11 (g) Whether or not the assisted-living facility provides part-time  
12 or intermittent complex nursing interventions.

13 (4) Each assisted-living facility shall enter into a resident  
14 services agreement in consultation with each resident.

15 Sec. 7. Section 71-5906, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 71-5906 (1) An assisted-living facility may provide complex nursing  
18 interventions on a part-time or intermittent basis.

19 ~~(2) Every (1) On and after January 1, 2005, every~~ person seeking  
20 admission to an assisted-living facility or the authorized representative  
21 of such person shall, upon admission and annually thereafter, provide the  
22 facility with a list of drugs, devices, biologicals, and supplements  
23 being taken or being used by the person, including dosage, instructions  
24 for use, and reported use.

25 ~~(3) (2) Every person residing in an assisted-living facility on~~  
26 ~~January 1, 2005, or the authorized representative of such person shall,~~  
27 ~~within sixty days after January 1, 2005, and annually thereafter,~~ provide  
28 the facility with a list of drugs, devices, biologicals, and supplements  
29 being taken or being used by such person, including dosage, instructions  
30 for use, and reported use.

31 ~~(4) (3) An assisted-living facility shall not be subject to~~  
1 disciplinary action by the department for the failure of any person  
2 seeking admission to or residing at such facility or the authorized  
3 representative of such person to comply with subsections ~~(1) and (2) and~~  
4 ~~(3)~~ of this section.

5 ~~(5) (4) Each assisted-living facility shall provide for a registered~~  
6 nurse to review medication administration policies and procedures and to  
7 be responsible for the training of medication aides at such facility.

8 Sec. 8. Section 71-6725, Revised Statutes Cumulative Supplement,  
9 2016, is amended to read:

10 71-6725 (1) The minimum competencies for a medication aide, a person  
11 licensed to operate a child care facility or a staff member of a child  
12 care facility, or a staff member of a school shall include (a)  
13 maintaining confidentiality, (b) complying with a recipient's right to  
14 refuse to take medication, (c) maintaining hygiene and current accepted  
15 standards for infection control, (d) documenting accurately and  
16 completely, (e) providing medications according to the five rights, (f)  
17 having the ability to understand and follow instructions, (g) practicing

18 safety in application of medication procedures, (h) complying with  
19 limitations and conditions under which a medication aide may provide  
20 medications, and (i) having an awareness of abuse and neglect reporting  
21 requirements and any other areas as shall be determined by rules or  
22 regulations.

23 (2) The Department of Health and Human Services shall adopt and  
24 promulgate rules and regulations setting minimum standards for  
25 competencies listed in subsection (1) of this section and methods for  
26 competency assessment of medication aides. The Department of Health and  
27 Human Services shall adopt and promulgate rules and regulations setting  
28 methods for competency assessment of the person licensed to operate a  
29 child care facility or staff of child care facilities. The State  
30 Department of Education shall adopt and promulgate rules and regulations  
31 setting methods for competency assessment of the school staff member.

1 (3) A medication aide, except one who is employed by a nursing home,  
2 an intermediate care facility for persons with developmental  
3 disabilities, or an assisted-living facility, a person licensed to  
4 operate a child care facility or a staff member of a child care facility,  
5 or a staff member of a school shall not be required to take a course. The  
6 medication aide shall be assessed to determine that the medication aide  
7 has the competencies listed in subsection (1) of this section.

8 (4) A medication aide providing services in an assisted-living  
9 facility as defined in section ~~71-5903~~ ~~71-406~~, a nursing home, or an  
10 intermediate care facility for persons with developmental disabilities  
11 shall be required to have completed a forty-hour course on the  
12 competencies listed in subsection (1) of this section and competency  
13 standards established through rules and regulations as provided for in  
14 subsection (2) of this section, except that a medication aide who has,  
15 prior to January 1, 2003, completed a twenty-hour course and passed an  
16 examination developed and administered by the Department of Health and  
17 Human Services may complete a second twenty-hour course supplemental to  
18 the first twenty-hour course in lieu of completing the forty-hour course.  
19 The department shall adopt and promulgate rules and regulations regarding  
20 the procedures and criteria for curriculum. Competency assessment shall  
21 include passing an examination developed and administered by the  
22 department. Criteria for establishing a passing standard for the  
23 examination shall be established in rules and regulations.

24 (5) Medication aides providing services in nursing homes or  
25 intermediate care facilities for persons with developmental disabilities  
26 shall also meet the requirements set forth in section 71-6039.

27 Sec. 9. Section 71-9402, Revised Statutes Cumulative Supplement,  
28 2016, is amended to read:

29 71-9402 For purposes of the Assisting Caregiver Transitions Act:

30 (1) Activities of daily living means transfer, ambulation, exercise,  
31 toileting, eating, self-administration of medication, and similar  
1 activities;

2 (2) Aftercare means assistance provided by a caregiver to a patient  
3 in the patient's residence after the patient's discharge from a hospital  
4 following an inpatient stay and may include, but is not limited to, (a)

5 assisting with activities of daily living and (b) carrying out medical or  
 6 nursing tasks, including, but not limited to, managing wound care,  
 7 assisting in administration of medication, and operating medical  
 8 equipment;  
 9 (3) Caregiver means a person nineteen years of age or older who is  
 10 designated by a patient or a patient's legal guardian to provide  
 11 aftercare;  
 12 (4) Hospital means a general acute hospital as defined in section  
 13 71-412; and  
 14 (5) Residence means the home in which a patient resides. Residence  
 15 does not include an assisted-living facility as defined in section  
 16 ~~71-5903~~ 71-406, a group home, a hospital as defined in section 71-419, an  
 17 intermediate care facility as defined in section 71-420, a rehabilitation  
 18 hospital as defined in section 71-427 or other rehabilitation facility, a  
 19 nursing facility as defined in section 71-424, or a skilled nursing  
 20 facility as defined in section 71-429.  
 21 Sec. 10. Original sections 71-406, 71-5803.05, 71-5902, 71-5903,  
 22 71-5904, and 71-5906, Reissue Revised Statutes of Nebraska, and sections  
 23 71-5905, 71-6725, and 71-9402, Revised Statutes Cumulative Supplement,  
 24 2016, are repealed.

(Signed) Merv Riepe, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 110.** Introduced by Stinner, 48.

WHEREAS, Raymond Palmer and Traiton Brunner, members of Troop 17 of Gering, and Jim Eastman, member of Troop 13 of Gering, have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout their scouting experience, Raymond, Traiton, and Jim have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Raymond, Traiton, and Jim, through their hard work and perseverance, have joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Raymond Palmer, Traiton Brunner, and Jim Eastman on achieving the rank of Eagle Scout.
2. That copies of this resolution be sent to Raymond Palmer, Traiton Brunner, and Jim Eastman.

Laid over.

**MESSAGE(S) FROM THE GOVERNOR**

April 21, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Board of Health:

Joel Bessmer, M.D., 9461 Jackson Circle, Omaha, NE 68114

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

April 21, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Rural Health Advisory Commission:

Kyle Klammer, 707 Lemay Drive, Bellevue, NE 68005



The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 20, 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

Hunter-Pirtle, Ann  
Stand for Schools  
Kelley Plucker, LLC  
Omaha Airport Authority  
Lautenbaugh, Scott  
K12, Inc.  
Robertson, Rob J.  
Nebraska Farm Bureau Federation

### **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>

### **GENERAL FILE**

**LEGISLATIVE BILL 268A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

### **COMMITTEE REPORT(S)** Appropriations

**LEGISLATIVE BILL 328.** Placed on General File.

**LEGISLATIVE BILL 329.** Placed on General File with amendment. AM592 is available in the Bill Room.

**LEGISLATIVE BILL 330.** Placed on General File with amendment. AM593 is available in the Bill Room.

**LEGISLATIVE BILL 149.** Placed on General File with amendment. AM962 is available in the Bill Room.

**LEGISLATIVE BILL 327.** Placed on General File with amendment. AM590 is available in the Bill Room.

**LEGISLATIVE BILL 331.** Placed on General File with amendment. AM594 is available in the Bill Room.

**LEGISLATIVE BILL 332.** Placed on General File with amendment. AM595

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

2 sections:

3 Section 1. Section 84-612, Revised Statutes Cumulative Supplement,  
4 2016, is amended to read:

5 84-612 (1) There is hereby created within the state treasury a fund  
6 known as the Cash Reserve Fund which shall be under the direction of the  
7 State Treasurer. The fund shall only be used pursuant to this section.

8 (2) The State Treasurer shall transfer funds from the Cash Reserve  
9 Fund to the General Fund upon certification by the Director of  
10 Administrative Services that the current cash balance in the General Fund  
11 is inadequate to meet current obligations. Such certification shall  
12 include the dollar amount to be transferred. Any transfers made pursuant  
13 to this subsection shall be reversed upon notification by the Director of  
14 Administrative Services that sufficient funds are available.

15 (3) In addition to receiving transfers from other funds, the Cash  
16 Reserve Fund shall receive federal funds received by the State of  
17 Nebraska for undesignated general government purposes, federal revenue  
18 sharing, or general fiscal relief of the state.

19 (4) The State Treasurer, at the direction of the budget  
20 administrator of the budget division of the Department of Administrative  
21 Services, shall transfer not to exceed forty-three million fifteen  
22 thousand four hundred fifty-nine dollars in total from the Cash Reserve  
23 Fund to the Nebraska Capital Construction Fund between July 1, 2013, and  
24 June 30, ~~2018~~ 2017.

25 (5) The State Treasurer shall transfer the following amounts from  
26 the Cash Reserve Fund to the Nebraska Capital Construction Fund on such  
27 dates as directed by the budget administrator of the budget division of  
1 the Department of Administrative Services:

2 (a) Seven million eight hundred four thousand two hundred ninety-two  
3 dollars on or after June 15, 2016, but before June 30, 2016;

4 (b) ~~Ten million five thousand one hundred twenty-nine~~ ~~Seven million~~  
5 ~~one hundred sixty thousand four hundred twelve~~ dollars on or after June  
6 15, 2019, but before June 30, 2019; and

7 (c) ~~Ten million four hundred thirty-one thousand five hundred~~  
8 ~~eighty-five~~ ~~Nine million four hundred ninety two thousand five hundred~~  
9 ~~sixty-eight~~ dollars on or after June 15, 2021, but before June 30,  
10 2021. ; and

11 (d) ~~Three million seven hundred eighty three thousand seven hundred~~  
12 ~~thirty-four~~ dollars after June 15, 2023, but before June 30, 2023.

13 (6) The State Treasurer shall transfer seventy-five million two

14 hundred fifteen thousand three hundred thirteen dollars from the Cash  
15 Reserve Fund to the Nebraska Capital Construction Fund on or before July  
16 31, 2017, on such date as directed by the budget administrator of the  
17 budget division of the Department of Administrative Services.  
18 (7) The State Treasurer shall transfer forty-three million dollars  
19 from the Cash Reserve Fund to the General Fund after July 1, 2018, but  
20 before July 15, 2018, on such date as directed by the budget  
21 administrator of the budget division of the Department of Administrative  
22 Services.  
23 (8) The State Treasurer shall transfer forty-three million dollars  
24 from the Cash Reserve Fund to the General Fund after October 1, 2018, but  
25 before October 15, 2018, on such date as directed by the budget  
26 administrator of the budget division of the Department of Administrative  
27 Services.  
28 (9) The State Treasurer shall transfer forty-three million dollars  
29 from the Cash Reserve Fund to the General Fund after January 1, 2019, but  
30 before January 15, 2019, on such date as directed by the budget  
31 administrator of the budget division of the Department of Administrative  
1 Services.  
2 (10) The State Treasurer shall transfer forty-four million dollars  
3 from the Cash Reserve Fund to the General Fund after April 1, 2019, but  
4 before April 15, 2019, on such date as directed by the budget  
5 administrator of the budget division of the Department of Administrative  
6 Services.  
7 ~~(6) The State Treasurer shall transfer twenty seven million two~~  
8 ~~hundred seventy five thousand five hundred fifty eight dollars from the~~  
9 ~~Cash Reserve Fund to the Nebraska Capital Construction Fund on or before~~  
10 ~~June 30, 2016, on such date as directed by the budget administrator of~~  
11 ~~the budget division of the Department of Administrative Services.~~  
12 ~~(7) The State Treasurer shall transfer thirteen million seven~~  
13 ~~hundred thousand dollars from the Cash Reserve Fund to the Critical~~  
14 ~~Infrastructure Facilities Cash Fund on or before June 30, 2016, on such~~  
15 ~~date as directed by the budget administrator of the budget division of~~  
16 ~~the Department of Administrative Services.~~  
17 ~~(8) The State Treasurer shall transfer fifty million dollars from~~  
18 ~~the Cash Reserve Fund to the Transportation Infrastructure Bank Fund, on~~  
19 ~~or after July 1, 2016, but before July 15, 2016, on such date as directed~~  
20 ~~by the budget administrator of the budget division of the Department of~~  
21 ~~Administrative Services for expenditures authorized by sections 39-2803~~  
22 ~~to 39-2807.~~  
23 Sec. 2. Original section 84-612, Revised Statutes Cumulative  
24 Supplement, 2016, is repealed.  
25 Sec. 3. Since an emergency exists, this act takes effect when  
26 passed and approved according to law.

(Signed) John Stinner, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 461.** Title read. Considered.

Committee AM954, found on page 954, was offered.

Senator Smith offered his amendment, AM965, found on page 959, to the committee amendment.

Senator Smith asked unanimous consent to withdraw his amendment, AM965, found on page 959, and replace it with his substitute amendment, AM1129, to the committee amendment.

AM1129

(Amendments to Standing Committee amendments, AM954)

- 1 1. On page 3, line 18, strike "The county assessor shall use" and
- 2 insert "All agricultural land and horticultural land shall be assessed
- 3 for taxation purposes using".
- 4 2. On page 4, line 4, strike "land capability groups by the Property
- 5 Tax Administrator" and insert "productivity groups by the Agricultural
- 6 Land Valuation Committee"; in line 6 after "by" insert "the committee,"
- 7 and after "assessors" insert an underscored comma; in line 9 after "to"
- 8 insert "group soil classifications into productivity groups by class or
- 9 subclass of property. The committee shall also"; in line 10 strike
- 10 "agricultural land and horticultural land" and insert "productivity
- 11 groups"; in line 11 after "rates" insert "for each class and subclass of
- 12 agricultural land and horticultural land in each county as"; and strike
- 13 beginning with "either" in line 26 through "Institute" in line 28 and
- 14 insert "an Accredited Rural Appraiser designation granted by the American
- 15 Society of Farm Managers and Rural Appraisers".
- 16 3. On page 5, strike beginning with "and" in line 2 through the
- 17 second occurrence of "land" in line 3 and insert "for each productivity
- 18 group"; in line 7 after the period insert "The committee shall meet in
- 19 November 2017 to establish capitalization rates for each class or
- 20 subclass of agricultural land and horticultural land as provided in
- 21 section 7 of this act. Beginning in November 2018 and each November
- 22 thereafter, the committee shall review the capitalization rates and make
- 23 adjustments as necessary to ensure uniform and proportionate assessments
- 24 of all agricultural land and horticultural land."; in line 8 strike "such
- 25 meeting" and insert "the committee's meetings"; in line 15 strike "value"
- 26 and insert "productivity"; and in line 18 strike "Gross" and insert "For
- 1 irrigated cropland and dryland cropland, gross".
- 2 4. On page 5, lines 24, 30, and 31; page 6, lines 12 and 30; page 7,
- 3 lines 12, 20, and 25; and page 11, line 25, strike "land capability" and
- 4 insert "productivity".
- 5 5. On page 8, lines 30 and 31, strike "capitalization rate" and
- 6 insert "agricultural-use values".
- 7 6. On page 24, line 11, after "Board" insert "in its October
- 8 forecast".
- 9 7. On page 25, after line 14 insert:

10 "(6) Beginning in November 2019, if the expected rate of growth in  
11 net General Fund receipts, as determined under subsection (3) of this  
12 section, exceeds four and one-half percent for the upcoming fiscal year,  
13 the Tax Rate Review Committee shall declare a property tax credit  
14 increase for the next property tax year. If the Tax Rate Review Committee  
15 declares a property tax credit increase, the State Treasurer shall  
16 transfer twenty million dollars from the General Fund to the Property Tax  
17 Credit Cash Fund on or before the second March 15 following the  
18 declaration, as directed by the budget administrator of the budget  
19 division of the Department of Administrative Services."  
20 8. On page 37, line 11, strike the first comma and show as stricken,  
21 after "each" insert "tax", and after "thereafter" insert "through tax  
22 year 2018"; and in line 14 after the period insert "For tax year 2019,  
23 the credit amount shall be one hundred forty-six dollars. For tax year  
24 2020 and each tax year thereafter, the credit amount shall be adjusted  
25 for inflation by the method provided in section 151 of the Internal  
26 Revenue Code of 1986, as amended. The one-hundred-forty-six-dollar credit  
27 amount shall be adjusted for cumulative inflation since 2019."  
28 9. On page 43, line 3, after "revenue" insert "plus any amounts  
29 transferred to the Property Tax Credit Cash Fund under subsection (6) of  
30 section 77-2715.01".

Senator Harr objected.

Senator Smith moved to withdraw his amendment, AM965, found on page 959, and replace it with his substitute amendment, AM1129, to the committee amendment.

Senator Krist offered the following motion:

MO94

Recommit to the Revenue Committee.

Senator Chambers offered the following motion:

MO95

Bracket until June 2, 2017.

Senator Chambers withdrew his motion to bracket.

**SPEAKER SCHEER PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Pending.

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 644.** Placed on General File with amendment.

AM1111

1 1. Strike original sections 2 to 6, 8 to 16, 18 to 31, 40, and 51 to  
2 53 and insert the following new section:

3 Section 1. The Legislative Council may permit an employee of the  
4 Legislative Council to participate in volunteer activities at a public  
5 elementary, middle, or high school, or a nonprofit organization that  
6 focuses on such education, during normal work hours, without loss of pay,  
7 vacation time, sick leave, or earned overtime accumulation.

8 2. On page 61, strike beginning with "2-945.02" in line 30 through  
9 line 31 and insert "2-3815,".

10 3. On page 62, line 1, strike "24-812,"; strike beginning with  
11 "38-108" in line 1 through line 2; in line 4 strike "49-1499.02," and  
12 "71-8237," and after "68-949," insert "and"; in line 5 strike "71-8241,  
13 and 84-1411,"; in line 6 strike "2-958.02,"; in line 9 strike "2-965.01,  
14 2-1803,"; strike beginning with "24-802" in line 9 through line 10; in  
15 line 12 strike beginning with "68-957" through the last comma; strike  
16 beginning with "71-7101" in line 14 through "71-8806," in line 16; in  
17 line 18 strike "68-959,"; in line 19 strike "71-8804, 71-8805," and after  
18 the last comma insert "and"; and in line 20 strike "and 81-2,294,".

19 4. Renumber the remaining sections accordingly.

**LEGISLATIVE RESOLUTION 1CA.** Placed on General File.**LEGISLATIVE BILL 451.** Placed on General File with amendment.

AM1137

1 1. Insert the following new sections:

2 Section 1. Section 18-2713, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 18-2713 Before adopting an economic development program, a city  
5 shall submit the question of its adoption to the registered voters at an  
6 election. The governing body of the city shall order the submission of  
7 the question by filing a certified copy of the resolution proposing the  
8 economic development program with the election commissioner or county  
9 clerk not later than ~~fifty forty one~~ days prior to a special election or  
10 a municipal primary or general election which is not held at the  
11 statewide primary or general election or not later than March 1 ~~forty~~  
12 days prior to a statewide primary election or September 1 prior to a  
13 statewide general election. The question on the ballot shall briefly set  
14 out the terms, conditions, and goals of the proposed economic development  
15 program, including the length of time during which the program will be in  
16 existence, the year or years within which the funds from local sources of  
17 revenue are to be collected, the source or sources from which the funds  
18 are to be collected, the total amount to be collected for the program  
19 from local sources of revenue, and whether the city proposes to issue  
20 bonds pursuant to the Local Option Municipal Economic Development Act to

21 provide funds to carry out the economic development program. The ballot  
22 question shall also specify whether additional funds from other noncity  
23 sources will be sought beyond those derived from local sources of  
24 revenue. In addition to all other information, if the funds are to be  
25 derived from the city's property tax, the ballot question shall state the  
26 present annual cost of the economic development program per ten thousand  
27 dollars of assessed valuation based upon the most recent valuation of the  
1 city certified to the Property Tax Administrator pursuant to section  
2 77-1613.01. The ballot question shall state: "Shall the city of (name of  
3 the city) establish an economic development program as described here by  
4 appropriating annually from local sources of revenue \$..... for .....  
5 years?". If the only city revenue source for the proposed economic  
6 development program is a local option sales tax that has not yet been  
7 approved at an election, the ballot question specifications in this  
8 section may be repeated in the sales tax ballot question.

9 If a majority of those voting on the issue vote in favor of the  
10 question, the governing body may implement the proposed economic  
11 development program upon the terms set out in the resolution. If a  
12 majority of those voting on the economic development program vote in  
13 favor of the question when the only city revenue source is a proposed  
14 sales tax and a majority of those voting on the local option sales tax  
15 vote against the question, the governing body shall not implement the  
16 economic development program, and it shall become null and void. If a  
17 majority of those voting on the issue vote against the question, the  
18 governing body shall not implement the economic development program.  
19 Sec. 3. Section 32-301, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 32-301 (1) The Secretary of State shall implement, in a uniform and  
22 nondiscriminatory manner, a single, uniform, official, centralized,  
23 interactive computerized statewide voter registration list defined,  
24 maintained, and administered at the office of the Secretary of State that  
25 contains the name and registration information of every legally  
26 registered voter in the state and assigns a unique identifier to each  
27 legally registered voter in the state. The computerized list shall serve  
28 as the single system for storing and managing the official list of  
29 registered voters throughout the state and shall comprise the voter  
30 registration register. The computerized list shall be coordinated with  
31 other agency data bases within the state and shall be available for  
1 electronic access by election commissioners and county clerks. The  
2 computerized list shall serve as the official voter registration list for  
3 the conduct of all elections under the Election Act. The Secretary of  
4 State shall provide such support as may be required so that election  
5 commissioners and county clerks are able to electronically enter voter  
6 registration information obtained by such officials on an expedited basis  
7 at the time the information is received. The Secretary of State shall  
8 provide adequate technological security measures to prevent unauthorized  
9 access to the computerized list. ~~No General Funds shall be appropriated  
10 for purposes of this list, and funds available in the Election  
11 Administration Fund may be used for such purposes.~~

12 (2) The election commissioner or county clerk shall provide for the  
13 registration of the electors of the county. Upon receipt of a voter  
14 registration application in his or her office from an eligible elector,  
15 the election commissioner or county clerk shall enter the information  
16 from the application in the voter registration register and may create an  
17 electronic image, photograph, microphotograph, or reproduction in an  
18 electronic digital format to be used as the voter registration record.

19 The election commissioner or county clerk shall provide a precinct list  
20 of registered voters for each precinct for the use of judges and clerks  
21 of election in their respective precincts on election day. An  
22 electronically prepared list of registered voters in a form prescribed by  
23 the Secretary of State shall meet the requirements for a precinct list of  
24 registered voters.

25 Sec. 4. Section 32-304, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 32-304 (1) The Secretary of State in conjunction with the Department  
28 of Motor Vehicles shall, on or before September 1, 2015, develop and  
29 implement a registration application process which may be used statewide  
30 to register to vote and update voter registration records electronically  
31 using the Secretary of State's web site. An applicant who has a valid  
1 Nebraska motor vehicle operator's license or state identification card  
2 may use the application process to register to vote or to update his or  
3 her voter registration record with changes in his or her personal  
4 information or other information related to his or her eligibility to  
5 vote. For each electronic application, the Secretary of State shall  
6 obtain a copy of the electronic representation of the applicant's  
7 signature from the Department of Motor Vehicles' records of his or her  
8 motor vehicle operator's license or state identification card for  
9 purposes of voter registration.

10 (2) The application shall contain substantially all the information  
11 provided in section 32-312 and the following informational statements:

12 (a) An applicant who submits this application electronically is  
13 affirming that the information in the application is true. Any applicant  
14 who submits this application electronically knowing that any of the  
15 information in the application is false shall be guilty of a Class IV  
16 felony under section 32-1502 of the statutes of Nebraska. The penalty for  
17 a Class IV felony is up to two five years imprisonment and twelve months  
18 of post-release supervision, a fine of up to ten thousand dollars, or  
19 both;

20 (b) An applicant who submits this application electronically is  
21 agreeing to the use of his or her signature from the Department of Motor  
22 Vehicles' records of his or her motor vehicle operator's license or state  
23 identification card for purposes of voter registration;

24 (c) To vote at the polling place on election day, the completed  
25 application must be submitted on or before the third Friday before the  
26 election; and

27 (d) The election commissioner or county clerk will, upon receipt of  
28 the application for registration, send an acknowledgment of registration  
29 to the applicant indicating whether the application is proper or not.



30 Sec. 5. Section 32-312, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1 32-312 The registration application prescribed by the Secretary of  
2 State pursuant to section 32-304 or 32-311.01 shall provide the  
3 instructional statements and request the information from the applicant  
4 as provided in this section.

5 CITIZENSHIP—"Are you a citizen of the United States of America?"  
6 with boxes to check to indicate whether the applicant is or is not a  
7 citizen of the United States.

8 AGE—"Are you at least eighteen years of age or will you be eighteen  
9 years of age on or before the first Tuesday following the first Monday of  
10 November of this year?" with boxes to check to indicate whether or not  
11 the applicant will be eighteen years of age or older on election day.

12 WARNING—"If you checked 'no' in response to either of these  
13 questions, do not complete this application."

14 NAME—the name of the applicant giving the first and last name in  
15 full, the middle name in full or the middle initial, and the maiden name  
16 of the applicant, if applicable.

17 RESIDENCE—the name and number of the street, avenue, or other  
18 location of the dwelling where the applicant resides if there is a  
19 number. If the registrant resides in a hotel, apartment, tenement house,  
20 or institution, such additional information shall be included as will  
21 give the exact location of such registrant's place of residence. If the  
22 registrant lives in an incorporated or unincorporated area not identified  
23 by the use of roads, road names, or house numbers, the registrant shall  
24 state the section, township, and range of his or her residence and the  
25 corporate name of the school district as described in section 79-405 in  
26 which he or she is located.

27 POSTAL ADDRESS—the address at which the applicant receives mail if  
28 different from the residence address.

29 ADDRESS OF LAST REGISTRATION—the name and number of the street,  
30 avenue, or other location of the dwelling from which the applicant last  
31 registered.

1 TELEPHONE NUMBERS—the telephone number of the applicant at work and  
2 at home. At the request of the applicant, a designation shall be made  
3 that the telephone number is an unlisted number, and such designation  
4 shall preclude the listing of the applicant's telephone number on any  
5 list of voter registrations.

6 EMAIL ADDRESS—an email address of the applicant. At the request of  
7 the applicant, a designation shall be made that the email address is  
8 private, and such designation shall preclude the listing of the  
9 applicant's email address on any list of voter registrations.

10 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL SECURITY  
11 NUMBER—if the applicant has a Nebraska driver's license, the license  
12 number, and if the applicant does not have a Nebraska driver's license,  
13 the last four digits of the applicant's social security number.

14 DATE OF APPLICATION FOR REGISTRATION—the month, day, and year when  
15 the applicant presented himself or herself for registration, when the  
16 applicant completed and signed the registration application if the

17 application was submitted by mail or delivered to the election official  
18 by the applicant's personal messenger or personal agent, or when the  
19 completed application was submitted if the registration application was  
20 completed pursuant to section 32-304.

21 PLACE OF BIRTH—show the state, country, kingdom, empire, or dominion  
22 where the applicant was born.

23 DATE OF BIRTH—show the date of the applicant's birth. The applicant  
24 shall be at least eighteen years of age or attain eighteen years of age  
25 on or before the first Tuesday after the first Monday in November to have  
26 the right to register and vote in any election in the present calendar  
27 year.

28 REGISTRATION TAKEN BY—show the signature of the authorized official  
29 or staff member accepting the application pursuant to section 32-309 or  
30 32-310 or at least one of the deputy registrars taking the application  
31 pursuant to section 32-306, if applicable.

1 PARTY AFFILIATION—show the party affiliation of the applicant as  
2 Democrat, Republican, or Other ..... or show no party affiliation as  
3 Nonpartisan. (Note: If you wish to vote in both partisan and nonpartisan  
4 primary elections for state and local offices, you must indicate a  
5 political party affiliation on the registration application. If you  
6 register without a political party affiliation (nonpartisan), you will  
7 receive only the nonpartisan ballots for state and local offices at  
8 primary elections. If you register without a political party affiliation,  
9 you may vote in partisan primary elections for congressional offices.)

10 OTHER—information the Secretary of State determines will assist in  
11 the proper and accurate registration of the voter.

12 Immediately following the spaces for inserting information as  
13 provided in this section, the following statement shall be printed:

14 To the best of my knowledge and belief, I declare under penalty of  
15 election falsification that:

16 (1) I live in the State of Nebraska at the address provided in this  
17 application;

18 (2) I have not been convicted of a felony or, if convicted, it has  
19 been at least two years since I completed my sentence for the felony,  
20 including any parole term;

21 (3) I have not been officially found to be non compos mentis  
22 (mentally incompetent); and

23 (4) I am a citizen of the United States.

24 Any registrant who signs this application knowing that any of the  
25 information in the application is false shall be guilty of a Class IV  
26 felony under section 32-1502 of the statutes of Nebraska. The penalty for  
27 a Class IV felony is up to two ~~five~~ years imprisonment and twelve months  
28 of post-release supervision, a fine of up to ten thousand dollars, or  
29 both.

30 APPLICANT'S SIGNATURE—require the applicant to affix his or her  
31 signature to the application.

1 Sec. 11. Section 32-915, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 32-915 (1) A person whose name does not appear on the precinct list

4 of registered voters at the polling place for the precinct in which he or  
5 she resides, whose name appears on the precinct list of registered voters  
6 at the polling place for the precinct in which he or she resides at a  
7 different residence address as described in section 32-914.02, or whose  
8 name appears with a notation that he or she received a ballot for early  
9 voting may vote a provisional ballot if he or she:

10 (a) Claims that he or she is a registered voter who has continuously  
11 resided in the county in which the precinct is located since registering  
12 to vote;

13 (b) Is not entitled to vote under section 32-914.01 or 32-914.02;

14 (c) Has not registered to vote or voted in any other county since  
15 registering to vote in the county in which the precinct is located;

16 (d) Has appeared to vote at the polling place for the precinct to  
17 which the person would be assigned based on his or her residence address;  
18 and

19 (e) Completes and signs a registration application before voting.

20 (2) A voter whose name appears on the precinct list of registered  
21 voters for the polling place with a notation that the voter is required  
22 to present identification pursuant to section 32-318.01 but fails to  
23 present identification may vote a provisional ballot if he or she  
24 completes and signs a registration application before voting.

25 (3) Each person voting by provisional ballot shall enclose his or  
26 her ballot in an envelope marked Provisional Ballot and shall, by signing  
27 the certification on the front of the envelope or a separate form  
28 attached to the envelope, certify to the following facts:

29 (a) I am a registered voter in ..... County;

30 (b) My name or address did not correctly appear on the precinct list  
31 of registered voters;

1 (c) I registered to vote on or about this date .....

2 (d) I registered to vote

3 .... in person at the election office or a voter registration site,

4 .... by mail,

5 .... by using the Secretary of State's web site,

6 .... through the Department of Motor Vehicles,

7 .... on a form through another state agency,

8 .... in some other way;

9 (e) I have not resided outside of this county or voted outside of  
10 this county since registering to vote in this county;

11 (f) My current address is shown on the registration application  
12 completed as a requirement for voting by provisional ballot; and

13 (g) I am eligible to vote in this election and I have not voted and  
14 will not vote in this election except by this ballot.

15 (4) The voter shall sign the certification under penalty of election  
16 falsification. The following statements shall be on the front of the  
17 envelope or on the attached form: By signing the front of this envelope  
18 or the attached form you are certifying to the information contained on  
19 this envelope or the attached form under penalty of election

20 falsification. Election falsification is a Class IV felony and may be

21 punished by up to two ~~five~~ years imprisonment and twelve months of post-

22 release supervision, a fine of up to ten thousand dollars, or both.

23 (5) If the person's name does not appear on the precinct list of

24 registered voters for the polling place and the judge or clerk of

25 election determines that the person's residence address is located in

26 another precinct within the same county, the judge or clerk of election

27 shall direct the person to his or her correct polling place to vote.

28 Sec. 12. Section 32-939, Reissue Revised Statutes of Nebraska, is

29 amended to read:

30 32-939 (1) As provided in section 32-939.02, the persons listed in

31 this subsection who are residents of Nebraska but who reside outside of

1 Nebraska or the United States shall be allowed to simultaneously register

2 to vote and make application for ballots for all elections in a calendar

3 year through the use of the Federal Post Card Application or a personal

4 letter which includes the same information as appears on the Federal Post

5 Card Application:

6 (a) Members of the armed forces of the United States or the United

7 States Merchant Marine, and their spouses and dependents residing with

8 them who are absent from the state;

9 (b) Citizens temporarily residing outside of the United States and

10 the District of Columbia; and

11 (c) Overseas citizens.

12 (2)(a) As provided in section 32-939.02, a person who is the age of

13 an elector and a citizen of the United States residing outside the United

14 States, who has never resided in the United States, who has not

15 registered to vote in any other state of the United States, and who has a

16 parent registered to vote within this state shall be eligible to register

17 to vote and vote in one county in which either one of his or her parents

18 is a registered voter.

19 (b) A person registering to vote or voting pursuant to this

20 subsection shall sign and enclose with the registration application and

21 with the ballot being voted a form provided by the election commissioner

22 or county clerk substantially as follows: I am the age of an elector and

23 a citizen of the United States residing outside the United States, I have

24 never resided in the United States, I have not registered to vote in any

25 other state of the United States, and I have a parent registered to vote

26 in ..... County, Nebraska. I hereby declare, under penalty of

27 election falsification, a Class IV felony, that the statements above are

28 true to the best of my knowledge.

29 THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO

30 ~~FIVE~~ YEARS AND TWELVE MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO

31 EXCEED TEN THOUSAND DOLLARS, OR BOTH.

1 (Signature of Voter) .....

2 2. On page 2, line 10, reinstate the stricken "or" and after "or"

3 insert "file for an elective office during his or her term".

4 3. On page 5, lines 29 and 31, strike "forty-five" and insert

5 "forty-two".

6 4. On page 7, line 30, strike "unsealed identification envelope" and

7 insert "oath"; and in line 31 strike ", and upon the back of the envelope

8 shall be printed" and insert "and shall be in".

9 5. On page 8, lines 3 and 11, strike "enclosed"; and strike  
10 beginning with the comma in line 5 through the second "envelope" in line  
11 6.  
12 6. Renumber the remaining sections and correct the repealer  
13 accordingly.

(Signed) John Murante, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Natural Resources

Room 1525

Tuesday, May 2, 2017 1:00 p.m.

Mark Czaplewski - Nebraska Natural Resources Commission

(Signed) Dan Hughes, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 111.** Introduced by Bolz, 29.

WHEREAS, a site near Lincoln was chosen as the future site for Union College on February 7, 1890. On September 24, 1891, Union College was dedicated as a Seventh-day Adventist institution of higher learning; and

WHEREAS, the town of College View was founded simultaneously with Union College and annexed by the city of Lincoln in 1929; and

WHEREAS, Union College opened for classes on September 30, 1891; and

WHEREAS, today, Union College occupies 50 acres in southeast Lincoln and is an anchor of the College View Neighborhood. The college has grown to offer bachelors' degrees in more than 50 majors; and

WHEREAS, Union College enrolled 903 students from 42 different states and 36 different countries in the 2015-2016 academic year; and

WHEREAS, Union College alumni reside in all 50 states; and

WHEREAS, Union students have made lasting contributions to the state, including through the Annual Project Impact day of service, when 80 percent of the Union College student population volunteers for over 50 Nebraska social service agencies; and

WHEREAS, Union College began celebrating its 125th anniversary during its Alumni Homecoming in 2016 and will continue the celebration until its Alumni Homecoming in 2017.

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

1. That the Legislature recognizes the 125th anniversary of the founding of Union College.

2. That a copy of this resolution be sent to Union College.

Laid over.

**LEGISLATIVE RESOLUTION 112.** Introduced by Kolterman, 24.

WHEREAS, York Chief of Police Don Klug's law enforcement career spans 41 years; and

WHEREAS, Chief Klug began his career with the Norfolk Police Department in January of 1976 and was promoted to sergeant in 1979. He served as a shift commander until 1988 when he assumed supervisory responsibilities for the Criminal Investigation Unit; and

WHEREAS, Don attended the FBI National Academy in 1991; and

WHEREAS, in 1993, Don accepted the position as Chief of Police in York; and

WHEREAS, there are many lives that Chief Klug has touched in a positive way. He has been a mentor for many officers who have led successful careers in both law enforcement and the private sector; and

WHEREAS, Chief Klug will retire on April 25, 2017, knowing that the citizens of York are in the very capable hands of the many dedicated and professional men and women of the York Police Department.

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

1. That the Legislature honors Chief Don Klug for his years of service to the citizens of York and Norfolk and congratulates him on his retirement.
2. That a copy of this resolution be sent to Chief Don Klug.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 461.** The Krist motion, MO94, found in this day's Journal, to recommit to the Revenue Committee, was renewed.

Senator Brasch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Harr moved for a call of the house. The motion prevailed with 37 ayes, 2 nays, and 10 not voting.

Senator Krist requested a roll call vote, in reverse order, on the motion to recommit to committee.

Voting in the affirmative, 15:

Blood	Crawford	Krist	Quick	Walz
Bolz	Hansen	Morfeld	Schumacher	Wayne
Chambers	Kolowski	Pansing Brooks	Vargas	Wishart

Voting in the negative, 29:

Albrecht	Clements	Groene	Lindstrom	Riepe
Baker	Craighead	Halloran	Linehan	Scheer
Bostelman	Ebke	Hilgers	Lowe	Smith
Brasch	Erdman	Hughes	McCollister	Stinner
Brewer	Friesen	Kolterman	McDonnell	Williams
Briese	Geist	Larson	Murante	

Present and not voting, 3:

Harr            Hilkemann    Watermeier

Excused and not voting, 2:

Howard        Kuehn

The Krist motion to recommit to committee failed with 15 ayes, 29 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Harr offered the following motion:

MO96

Reconsider the vote taken to recommit to committee.

#### **SPEAKER SCHEER PRESIDING**

Pending.

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 409.** Placed on Select File with amendment.

ER60

1 1. On page 1, line 2, strike "section" and insert "sections"; in  
 2 line 3 after the first comma insert "79-1009, and 79-10,145,"; in line 5  
 3 after the second semicolon insert "to change net option funding;"; and in  
 4 line 6 after the second semicolon insert "to change the learning  
 5 community transition aid calculation;".

**LEGISLATIVE BILL 259.** Placed on Select File with amendment.

ER66

1 1. On page 1, strike beginning with "criminal" in line 1 through  
 2 line 4 and insert "courts; to amend sections 25-1577, 29-901, 29-901.01,  
 3 29-1823, 29-2206, 29-2206.01, 29-2277, 29-2278, 29-2279, 29-2404,  
 4 29-2412, and 60-692, Reissue Revised Statutes of Nebraska, and section  
 5 60-4,100, Revised Statutes Cumulative Supplement, 2016; to change

6 provisions relating to conditions of and ability to post bail, debt  
 7 collection procedures, pretrial release, competency in criminal  
 8 defendants, and financial ability to pay fines or costs or a traffic  
 9 citation; to provide for hearings, community service, and discharge as  
 10 prescribed; to change provisions relating to procedures for suspending an  
 11 operator's license; to harmonize provisions; to provide operative dates;  
 12 and to repeal the original sections.”.

**LEGISLATIVE BILL 268.** Placed on Select File with amendment.

ER67

1 1. On page 27, line 14, strike "heir, assign, beneficiary, or  
 2 devisee" and insert "an heir, an assignee, a beneficiary, or a devisee".

(Signed) Anna Wishart, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Wayne filed the following amendment to LB461:  
 AM1093 is available in the Bill Room.

Senator Harr filed the following amendment to LB461:  
 AM1136

(Amendments to AM1027)

- 1 1. Insert the following new amendments:
- 2 1. On page 7, strike beginning with "However" in line 9 through the  
 3 period in line 11.
- 4 2. On page 8, line 24, strike "either (a)"; and strike beginning  
 5 with "or" in line 27 through "percent" in line 29.
- 6 2. Renumber the remaining amendment accordingly.

Senator Bolz filed the following amendment to LB461:  
 AM1133

(Amendments to Standing Committee amendments, AM954)

- 1 1. On page 24, line 11, after "Board" insert ", and the ratio of the  
 2 projected Cash Reserve Fund balance at the end of the upcoming fiscal  
 3 year to the projected net General Fund receipts for the upcoming fiscal  
 4 year"; in line 13 after "year" insert "or if the projected Cash Reserve  
 5 Fund balance at the end of the upcoming fiscal year is not at least  
 6 sixteen percent of the projected net General Fund receipts for the  
 7 upcoming fiscal year"; and in line 26 after "year" insert "and the  
 8 projected Cash Reserve Fund balance at the end of the upcoming fiscal  
 9 year is at least sixteen percent of the projected net General Fund  
 10 receipts for the upcoming fiscal year".

Senator Briese filed the following amendment to LB461:  
 AM1115 is available in the Bill Room.

Senator Friesen filed the following amendment to LB389:  
 AM1116 is available in the Bill Room.



Senator Baker filed the following amendments to LB595:

AM1084

(Amendments to Standing Committee amendments, AM581)

1 1. On page 1, line 9, strike "physical force or".

AM1085

(Amendments to Standing Committee amendments, AM581)

1 1. On page 1, strike lines 12 through 15; in line 16 strike "(3)"  
2 and insert "(2)"; in line 17 strike "or (2)"; in line 19 strike "(4)" and  
3 insert "(3)"; and strike beginning with the comma in line 21 through the  
4 comma in line 22.

AM1086

(Amendments to Standing Committee amendments, AM581)

1 1. On page 1, strike lines 16 through 18; and in line 19 strike  
2 "(4)" and insert "(3)".

AM1087

(Amendments to Standing Committee amendments, AM581)

1 1. On page 1, strike beginning with the comma in line 21 through the  
2 comma in line 22.

AM1088

(Amendments to Standing Committee amendments, AM581)

1 1. On page 1, strike lines 19 through 24.

AM1089

(Amendments to Standing Committee amendments, AM581)

1 1. On page 1, strike line 27.  
2 2. On page 2, strike lines 1 and 2; in line 3 strike "(b)" and  
3 insert "(a)"; and in line 7 strike "(c)" and insert "(b)".

AM1090

(Amendments to Standing Committee amendments, AM581)

1 1. On page 2, line 2, after the semicolon insert "or"; in line 6  
2 strike "; or"; and strike line 7 through "Act" in line 8.

AM1091

(Amendments to Standing Committee amendments, AM581)

1 1. On page 2, strike lines 9 through 26; and in line 27 strike "(3)"  
2 and insert "(2)".

AM1092

(Amendments to Standing Committee amendments, AM581)

1 1. On page 2, strike lines 27 through 29.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 97.** Placed on Final Reading.**LEGISLATIVE BILL 152.** Placed on Final Reading.**LEGISLATIVE BILL 172.** Placed on Final Reading.

ST19

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 14, "to change provisions relating to unemployment benefits and disqualification;" has been inserted after the last semicolon.

**LEGISLATIVE BILL 257.** Placed on Final Reading.**LEGISLATIVE BILL 323.** Placed on Final Reading.**LEGISLATIVE BILL 346.** Placed on Final Reading.

ST20

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "60-373," has been inserted after "sections"; and in line 4, "section" has been struck and "sections 60-3,116 and" inserted.

**LEGISLATIVE BILL 478.** Placed on Final Reading.**LEGISLATIVE BILL 481.** Placed on Final Reading.**LEGISLATIVE BILL 509.** Placed on Final Reading.**LEGISLATIVE BILL 509A.** Placed on Final Reading.**LEGISLATIVE BILL 512.** Placed on Final Reading.

ST18 is available in the Bill Room.

**LEGISLATIVE BILL 605.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**VISITORS**

Visitors to the Chamber were Assemblyman Matthew Harper from the California State Assembly, District 74; and 66 fourth-grade students and sponsors from Shoemaker Elementary, Grand Island.

**ADJOURNMENT**

At 12:18 p.m., on a motion by Senator Briese, the Legislature adjourned until 10:00 a.m., Monday, April 24, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTIETH DAY - APRIL 24, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**SEVENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 24, 2017

**PRAYER**

The prayer was offered by Pastor Stephen Floyd, First Church of Nazarene, Falls City.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Groene, McDonnell, Murante, and Stinner who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-ninth day was approved.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 234.** Placed on Select File.

**LEGISLATIVE BILL 255.** Placed on Select File with amendment.  
ER65

- 1 1. On page 1, line 5, strike "and"; and in line 6 after "sections"
- 2 insert "; and to declare an emergency".
- 3 2. On page 3, line 4, strike "subsection" and insert "subdivision";
- 4 and in line 31 before "certificate" insert "a".

**LEGISLATIVE BILL 255A.** Placed on Select File.

**LEGISLATIVE BILL 455.** Placed on Select File.

**LEGISLATIVE BILL 645.** Placed on Select File.

**LEGISLATIVE BILL 430.** Placed on Select File with amendment.  
ER64

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:

3 Section 1. Section 71-3505, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 71-3505 (1) Matters relative to radiation as they relate to  
6 occupational and public health and safety and the environment shall be a  
7 responsibility of the department. The department shall:  
8 (a) ~~(1)~~ Develop comprehensive policies and programs for the  
9 evaluation and determination of undesirable radiation associated with the  
10 production, use, storage, or disposal of radiation sources and formulate,  
11 adopt, promulgate, and repeal rules and regulations which may provide (i)  
12 ~~(a)~~ for registration or licensure under section 71-3507 or 71-3509, (ii)  
13 ~~(b)~~ for registration or licensure of (A) ~~(i)~~ any other source of  
14 radiation, (B) ~~(ii)~~ persons providing services for collection, detection,  
15 measurement, or monitoring of sources of radiation, including, but not  
16 limited to, radon and its decay products, (C) ~~(iii)~~ persons providing  
17 services to reduce the effects of sources of radiation, and (D) ~~(iv)~~  
18 persons practicing industrial radiography, and (iii) ~~(e)~~ for  
19 fingerprinting and a federal criminal background check on persons with  
20 unescorted access to radionuclides of concern, as specified by rule,  
21 regulation, or order so as to reasonably protect occupational and public  
22 health and safety and the environment in a manner compatible with  
23 regulatory programs of the federal government. The department for  
24 identical purposes may also adopt and promulgate rules and regulations  
25 for the issuance of licenses, either general or specific, to persons for  
26 the purpose of using, manufacturing, producing, transporting,  
27 transferring, receiving, acquiring, owning, or possessing any radioactive  
1 material. Such rules and regulations may prohibit the use of radiation  
2 for uses found by the department to be detrimental to occupational and  
3 public health or safety or the environment and shall carry out the  
4 purposes and policies set out in sections 71-3501 and 71-3502. Such rules  
5 and regulations shall not prohibit or limit the kind or amount of  
6 radiation purposely prescribed for or administered to a patient by  
7 doctors of medicine and surgery, dentistry, osteopathic medicine,  
8 chiropractic, podiatry, and veterinary medicine, while engaged in the  
9 lawful practice of such profession, or administered by other professional  
10 personnel, such as allied health personnel, medical radiographers,  
11 limited radiographers, nurses, and laboratory workers, acting under the  
12 supervision of a licensed practitioner. Violation of rules and  
13 regulations adopted and promulgated by the department pursuant to the  
14 Radiation Control Act shall be due cause for the suspension, revocation,  
15 or limitation of a license issued by the department. Any licensee may  
16 request a hearing before the department on the issue of such suspension,  
17 revocation, or limitation. Procedures for notice and opportunity for a  
18 hearing before the department shall be pursuant to the Administrative  
19 Procedure Act. The decision of the department may be appealed, and the  
20 appeal shall be in accordance with the Administrative Procedure Act;  
21 (b) ~~(2)~~ Have the authority to accept and administer loans, grants,  
22 or other funds or gifts, conditional or otherwise, in furtherance of its  
23 functions, from the federal government and from other sources, public or  
24 private;

25 (c) ~~(3)~~ Encourage, participate in, or conduct studies,  
 26 investigations, training, research, and demonstrations relating to the  
 27 control of sources of radiation;  
 28 (d) (4) Collect and disseminate health education information  
 29 relating to radiation protection;  
 30 (e) ~~(5)~~ Make its facilities available so that any person or any  
 31 agency may request the department to review and comment on plans and  
 1 specifications of installations submitted by the person or agency with  
 2 respect to matters of protection and safety for the control of  
 3 undesirable radiation;  
 4 (f) ~~(6)~~ Be empowered to inspect radiation sources and their  
 5 shieldings and surroundings for the determination of any possible  
 6 undesirable radiation or violations of rules and regulations adopted and  
 7 promulgated by the department and provide the owner, user, or operator  
 8 with a report of any known or suspected deficiencies; and  
 9 (g) ~~(7)~~ Collect a fee for emergency response or environmental  
 10 surveillance, or both, offsite from each nuclear power plant equal to the  
 11 cost of completing the emergency response or environmental surveillance  
 12 and any associated report. In no event shall the fee for any nuclear  
 13 power plant exceed the lesser of the actual costs of such activities or  
 14 ~~eighty-two fifty-three~~ thousand dollars per annum. Commencing January 1,  
 15 2018 July 1, 1997, the accounting division of the Department of  
 16 Administrative Services shall recommend an inflationary adjustment  
 17 equivalent which shall be based upon the Consumer Price Index for All  
 18 Urban Consumers of the United States Department of Labor, Bureau of Labor  
 19 Statistics, and shall not exceed five percent per annum. Such adjustment  
 20 shall be applied to the annual fee for nuclear power plants. The fee  
 21 collected shall be credited to the Health and Human Services Cash Fund.  
 22 This fee shall be used solely for the purpose of defraying the ~~direct~~  
 23 costs of the emergency response and environmental surveillance at Cooper  
 24 Nuclear Station and Fort Calhoun Station conducted by the department. The  
 25 department may charge additional fees when mutually agreed upon for  
 26 services, training, or equipment that are a part of or in addition to  
 27 matters in this section. This subdivision shall not apply to any nuclear  
 28 power plant that (i) has initiated permanent plant decommissioning and  
 29 has notified the department that it has implemented a permanent defueled  
 30 emergency plan which no longer requires pre-planned assistance from state  
 31 agencies pursuant to rules and regulations of the United States Nuclear  
 1 Regulatory Commission and (ii) no longer requires protective actions  
 2 beyond the site boundary to protect the public and the environment from  
 3 exposure to radiation as a result of an event at such plant.  
 4 (2) If a nuclear power plant is no longer subject to the fee  
 5 requirement pursuant to subdivision (1)(g) of this section, the fee for  
 6 the remaining nuclear power plant shall not exceed the lesser of the  
 7 actual costs of the department's activities or one hundred ten thousand  
 8 dollars per annum. Such fee shall be subject to all other provisions of  
 9 subdivision (1)(g) of this section.  
 10 Sec. 2. Original section 71-3505, Reissue Revised Statutes of  
 11 Nebraska, is repealed.

**LEGISLATIVE BILL 558.** Placed on Select File.

**LEGISLATIVE BILL 315.** Placed on Select File with amendment.  
ER68

1 1. On page 5, line 8, strike "to" and insert "through".

**LEGISLATIVE BILL 159.** Placed on Select File with amendment.  
ER69

1 1. On page 1, line 4, strike "and" and after "section" insert "; and  
2 to declare an emergency".

**LEGISLATIVE BILL 138.** Placed on Select File.

**LEGISLATIVE BILL 142.** Placed on Select File with amendment.  
ER70

1 1. On page 4, line 5, strike the second "in" and insert "is" and  
2 after "involved" insert an underscored comma.

**LEGISLATIVE BILL 20.** Placed on Select File.

**LEGISLATIVE BILL 63.** Placed on Select File.

**LEGISLATIVE BILL 154.** Placed on Select File.

**LEGISLATIVE BILL 176.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Kolowski filed the following amendment to LB409:  
AM1015

(Amendments to Standing Committee amendments, AM955)

1 1. Insert the following new section:

2 Section 1. Section 77-3442, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4 77-3442 (1) Property tax levies for the support of local governments  
5 for fiscal years beginning on or after July 1, 1998, shall be limited to  
6 the amounts set forth in this section except as provided in section  
7 77-3444.

8 (2)(a) Except as provided in subdivisions (2)(b), ~~and~~ (2)(e), and

9 (2)(h) of this section, school districts and multiple-district school  
10 systems may levy a maximum levy of one dollar and five cents per one  
11 hundred dollars of taxable valuation of property subject to the levy.

12 (b) For each fiscal year prior to fiscal year 2017-18, learning  
13 communities may levy a maximum levy for the general fund budgets of  
14 member school districts of ninety-five cents per one hundred dollars of  
15 taxable valuation of property subject to the levy. The proceeds from the  
16 levy pursuant to this subdivision shall be distributed pursuant to  
17 section 79-1073.

18 (c) Except as provided in subdivision (2)(e) of this section, for

19 each fiscal year prior to fiscal year 2017-18, school districts that are  
20 members of learning communities may levy for purposes of such districts'  
21 general fund budget and special building funds a maximum combined levy of  
22 the difference of one dollar and five cents on each one hundred dollars  
23 of taxable property subject to the levy minus the learning community levy  
24 pursuant to subdivision (2)(b) of this section for such learning  
25 community.

26 (d) Excluded from the limitations in subdivisions (2)(a) and (2)(c)  
1 of this section are amounts levied to pay for sums agreed to be paid by a  
2 school district to certificated employees in exchange for a voluntary  
3 termination of employment, amounts levied in compliance with sections  
4 79-10,110 and 79-10,110.02, and amounts levied to pay for special  
5 building funds and sinking funds established for projects commenced prior  
6 to April 1, 1996, for construction, expansion, or alteration of school  
7 district buildings. For purposes of this subsection, commenced means any  
8 action taken by the school board on the record which commits the board to  
9 expend district funds in planning, constructing, or carrying out the  
10 project.

11 (e) Federal aid school districts may exceed the maximum levy  
12 prescribed by subdivision (2)(a) or (2)(c) of this section only to the  
13 extent necessary to qualify to receive federal aid pursuant to Title VIII  
14 of Public Law 103-382, as such title existed on September 1, 2001. For  
15 purposes of this subdivision, federal aid school district means any  
16 school district which receives ten percent or more of the revenue for its  
17 general fund budget from federal government sources pursuant to Title  
18 VIII of Public Law 103-382, as such title existed on September 1, 2001.

19 (f) For each fiscal year, learning communities may levy a maximum  
20 levy of one-half cent on each one hundred dollars of taxable property  
21 subject to the levy for elementary learning center facility leases, for  
22 remodeling of leased elementary learning center facilities, and for up to  
23 fifty percent of the estimated cost for focus school or program capital  
24 projects approved by the learning community coordinating council pursuant  
25 to section 79-2111.

26 (g) For each fiscal year, learning communities may levy a maximum  
27 levy of one and one-half cents on each one hundred dollars of taxable  
28 property subject to the levy for early childhood education programs for  
29 children in poverty, for elementary learning center employees, for  
30 contracts with other entities or individuals who are not employees of the  
31 learning community for elementary learning center programs and services,  
1 and for pilot projects, except that no more than ten percent of such levy  
2 may be used for elementary learning center employees.

3 (h) For school fiscal years 2017-18 and 2018-19, school districts  
4 may, with the approval of the school board of such school district by a  
5 three-fourths majority vote of such school board, exceed the maximum levy  
6 prescribed in subdivision (2)(a) of this section by the amount necessary  
7 to raise a dollar amount equal to the difference between the state aid  
8 certified pursuant to section 79-1022 for such school fiscal year and the  
9 state aid that would have been certified if the provisions of section  
10 77-3446 and the Tax Equity and Educational Opportunities Support Act as

11 they existed on January 1, 2017, had remained unchanged for such school  
12 fiscal year, not to exceed three cents per one hundred dollars of taxable  
13 valuation of property subject to the levy.

14 (i) For purposes of subsection (2) of this section, the levy for a  
15 fiscal year or a school fiscal year is the levy for the tax year that  
16 includes the beginning of such fiscal year or school fiscal year.

17 (3) For each fiscal year, community college areas may levy the  
18 levies provided in subdivisions (2)(a) through (c) of section 85-1517, in  
19 accordance with the provisions of such subdivisions. A community college  
20 area may exceed the levy provided in subdivision (2)(b) of section  
21 85-1517 by the amount necessary to retire general obligation bonds  
22 assumed by the community college area or issued pursuant to section  
23 85-1515 according to the terms of such bonds or for any obligation  
24 pursuant to section 85-1535 entered into prior to January 1, 1997.

25 (4)(a) Natural resources districts may levy a maximum levy of four  
26 and one-half cents per one hundred dollars of taxable valuation of  
27 property subject to the levy.

28 (b) Natural resources districts shall also have the power and  
29 authority to levy a tax equal to the dollar amount by which their  
30 restricted funds budgeted to administer and implement ground water  
31 management activities and integrated management activities under the  
1 Nebraska Ground Water Management and Protection Act exceed their  
2 restricted funds budgeted to administer and implement ground water  
3 management activities and integrated management activities for FY2003-04,  
4 not to exceed one cent on each one hundred dollars of taxable valuation  
5 annually on all of the taxable property within the district.

6 (c) In addition, natural resources districts located in a river  
7 basin, subbasin, or reach that has been determined to be fully  
8 appropriated pursuant to section 46-714 or designated as overappropriated  
9 pursuant to section 46-713 by the Department of Natural Resources shall  
10 also have the power and authority to levy a tax equal to the dollar  
11 amount by which their restricted funds budgeted to administer and  
12 implement ground water management activities and integrated management  
13 activities under the Nebraska Ground Water Management and Protection Act  
14 exceed their restricted funds budgeted to administer and implement ground  
15 water management activities and integrated management activities for  
16 FY2005-06, not to exceed three cents on each one hundred dollars of  
17 taxable valuation on all of the taxable property within the district for  
18 fiscal year 2006-07 and each fiscal year thereafter through fiscal year  
19 2017-18.

20 (5) Any educational service unit authorized to levy a property tax  
21 pursuant to section 79-1225 may levy a maximum levy of one and one-half  
22 cents per one hundred dollars of taxable valuation of property subject to  
23 the levy.

24 (6)(a) Incorporated cities and villages which are not within the  
25 boundaries of a municipal county may levy a maximum levy of forty-five  
26 cents per one hundred dollars of taxable valuation of property subject to  
27 the levy plus an additional five cents per one hundred dollars of taxable  
28 valuation to provide financing for the municipality's share of revenue



29 required under an agreement or agreements executed pursuant to the  
30 Interlocal Cooperation Act or the Joint Public Agency Act. The maximum  
31 levy shall include amounts levied to pay for sums to support a library  
1 pursuant to section 51-201, museum pursuant to section 51-501, visiting  
2 community nurse, home health nurse, or home health agency pursuant to  
3 section 71-1637, or statue, memorial, or monument pursuant to section  
4 80-202.

5 (b) Incorporated cities and villages which are within the boundaries  
6 of a municipal county may levy a maximum levy of ninety cents per one  
7 hundred dollars of taxable valuation of property subject to the levy. The  
8 maximum levy shall include amounts paid to a municipal county for county  
9 services, amounts levied to pay for sums to support a library pursuant to  
10 section 51-201, a museum pursuant to section 51-501, a visiting community  
11 nurse, home health nurse, or home health agency pursuant to section  
12 71-1637, or a statue, memorial, or monument pursuant to section 80-202.

13 (7) Sanitary and improvement districts which have been in existence  
14 for more than five years may levy a maximum levy of forty cents per one  
15 hundred dollars of taxable valuation of property subject to the levy, and  
16 sanitary and improvement districts which have been in existence for five  
17 years or less shall not have a maximum levy. Unconsolidated sanitary and  
18 improvement districts which have been in existence for more than five  
19 years and are located in a municipal county may levy a maximum of eighty-  
20 five cents per hundred dollars of taxable valuation of property subject  
21 to the levy.

22 (8) Counties may levy or authorize a maximum levy of fifty cents per  
23 one hundred dollars of taxable valuation of property subject to the levy,  
24 except that five cents per one hundred dollars of taxable valuation of  
25 property subject to the levy may only be levied to provide financing for  
26 the county's share of revenue required under an agreement or agreements  
27 executed pursuant to the Interlocal Cooperation Act or the Joint Public  
28 Agency Act. The maximum levy shall include amounts levied to pay for sums  
29 to support a library pursuant to section 51-201 or museum pursuant to  
30 section 51-501. The county may allocate up to fifteen cents of its  
31 authority to other political subdivisions subject to allocation of  
1 property tax authority under subsection (1) of section 77-3443 and not  
2 specifically covered in this section to levy taxes as authorized by law  
3 which do not collectively exceed fifteen cents per one hundred dollars of  
4 taxable valuation on any parcel or item of taxable property. The county  
5 may allocate to one or more other political subdivisions subject to  
6 allocation of property tax authority by the county under subsection (1)  
7 of section 77-3443 some or all of the county's five cents per one hundred  
8 dollars of valuation authorized for support of an agreement or agreements  
9 to be levied by the political subdivision for the purpose of supporting  
10 that political subdivision's share of revenue required under an agreement  
11 or agreements executed pursuant to the Interlocal Cooperation Act or the  
12 Joint Public Agency Act. If an allocation by a county would cause another  
13 county to exceed its levy authority under this section, the second county  
14 may exceed the levy authority in order to levy the amount allocated.

15 (9) Municipal counties may levy or authorize a maximum levy of one

16 dollar per one hundred dollars of taxable valuation of property subject  
17 to the levy. The municipal county may allocate levy authority to any  
18 political subdivision or entity subject to allocation under section  
19 77-3443.

20 (10) Beginning July 1, 2016, rural and suburban fire protection  
21 districts may levy a maximum levy of ten and one-half cents per one  
22 hundred dollars of taxable valuation of property subject to the levy if  
23 (a) such district is located in a county that had a levy pursuant to  
24 subsection (8) of this section in the previous year of at least forty  
25 cents per one hundred dollars of taxable valuation of property subject to  
26 the levy or (b) for any rural or suburban fire protection district that  
27 had a levy request pursuant to section 77-3443 in the previous year, the  
28 county board of the county in which the greatest portion of the valuation  
29 of such district is located did not authorize any levy authority to such  
30 district in the previous year.

31 (11) Property tax levies (a) for judgments, except judgments or  
1 orders from the Commission of Industrial Relations, obtained against a  
2 political subdivision which require or obligate a political subdivision  
3 to pay such judgment, to the extent such judgment is not paid by  
4 liability insurance coverage of a political subdivision, (b) for  
5 preexisting lease-purchase contracts approved prior to July 1, 1998, (c)  
6 for bonds as defined in section 10-134 approved according to law and  
7 secured by a levy on property except as provided in section 44-4317 for  
8 bonded indebtedness issued by educational service units and school  
9 districts, and (d) for payments by a public airport to retire interest-  
10 free loans from the Department of Aeronautics in lieu of bonded  
11 indebtedness at a lower cost to the public airport are not included in  
12 the levy limits established by this section.

13 (12) The limitations on tax levies provided in this section are to  
14 include all other general or special levies provided by law.  
15 Notwithstanding other provisions of law, the only exceptions to the  
16 limits in this section are those provided by or authorized by sections  
17 77-3442 to 77-3444.

18 (13) Tax levies in excess of the limitations in this section shall  
19 be considered unauthorized levies under section 77-1606 unless approved  
20 under section 77-3444.

21 (14) For purposes of sections 77-3442 to 77-3444, political  
22 subdivision means a political subdivision of this state and a county  
23 agricultural society.

24 (15) For school districts that file a binding resolution on or  
25 before May 9, 2008, with the county assessors, county clerks, and county  
26 treasurers for all counties in which the school district has territory  
27 pursuant to subsection (7) of section 79-458, if the combined levies,  
28 except levies for bonded indebtedness approved by the voters of the  
29 school district and levies for the refinancing of such bonded  
30 indebtedness, are in excess of the greater of (a) one dollar and twenty  
31 cents per one hundred dollars of taxable valuation of property subject to  
1 the levy or (b) the maximum levy authorized by a vote pursuant to section  
2 77-3444, all school district levies, except levies for bonded

3 indebtedness approved by the voters of the school district and levies for  
 4 the refinancing of such bonded indebtedness, shall be considered  
 5 unauthorized levies under section 77-1606.  
 6 2. Renumber the remaining sections and correct the repealer  
 7 accordingly.

### BILLS ON FINAL READING

#### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB148 with 41 ayes, 2 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### LEGISLATIVE BILL 148.

A BILL FOR AN ACT relating to finance; to amend sections 8-1102, 8-1103, 8-1107, 8-1109.01, 8-1109.02, 8-1110, 8-1115, 8-1116, 8-1117, 8-1122.01, and 8-1123, Reissue Revised Statutes of Nebraska, and sections 8-1101, 8-1106, 8-1108, 8-1108.01, 8-1109, 8-1111, 8-1118, and 8-1120, Revised Statutes Cumulative Supplement, 2016; to change provisions of the Securities Act of Nebraska; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 182.**

A BILL FOR AN ACT relating to the Drinking Water State Revolving Fund Act; to amend section 71-5322, Revised Statutes Cumulative Supplement, 2016; to change the powers and duties of the Department of Environmental Quality; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 207.**

A BILL FOR AN ACT relating to the Office of Inspector General of Nebraska Child Welfare Act; to amend sections 43-4301, 43-4318, 43-4323, 43-4325, 43-4327, and 43-4328, Reissue Revised Statutes of Nebraska; to change provisions relating to investigative duties, counsel fees, and distribution of and responses to reports; to prohibit certain personnel actions as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 210.**

A BILL FOR AN ACT relating to the Legislative Performance Audit Act; to amend sections 50-1205.01 and 50-1210, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to standards and external quality control reviews; to change provisions relating to audit reports as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 407.**

A BILL FOR AN ACT relating to public health; to create and provide duties for a task force; and to provide for termination.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 518.**

A BILL FOR AN ACT relating to economic development; to amend section 58-703, Revised Statutes Cumulative Supplement, 2016; to adopt the Rural Workforce Housing Investment Act; to provide for a transfer of funds from the Affordable Housing Trust Fund; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 518A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 518, One Hundred Fifth Legislature, First Session, 2017.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB566 with 41 ayes, 1 nay, and 7 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 566.**

A BILL FOR AN ACT relating to wildlife; to amend sections 37-504, 37-513, 37-614, 37-615, and 37-617, Reissue Revised Statutes of Nebraska; to adopt the Interstate Wildlife Violator Compact; to change penalties and fines for hunting elk and mountain sheep out of season; to increase fines for unlawfully hunting, trapping, or possessing certain game and nongame birds and for shooting wildlife from a highway or roadway; to increase revocation and suspension periods for hunting, fishing, and fur harvesting permits; to increase the penalty for hunting, fishing, or fur harvesting on a revoked or suspended permit; to change certain duties of the Game and Parks Commission; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**PRESIDENT FOLEY PRESIDING**



The following bills were read and put upon final passage:

**LEGISLATIVE BILL 590.** With Emergency Clause.

A BILL FOR AN ACT relating to the Building Construction Act; to amend sections 71-6403, 71-6405, and 71-6406, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the state building code; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 2:

Lowe            McCollister

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 9.**

A BILL FOR AN ACT relating to radon; to adopt the Radon Resistant New Construction Act; and to create a task force.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Baker	Craighead	Hilkemann	McCollister	Smith
Blood	Crawford	Howard	McDonnell	Stinner
Bolz	Ebke	Kolowski	Morfeld	Vargas
Brasch	Friesen	Kolterman	Pansing Brooks	Walz
Brewer	Hansen	Krist	Quick	Wayne
Briese	Harr	Larson	Scheer	Williams
Chambers	Hilgers	Lindstrom	Schumacher	Wishart

Voting in the negative, 4:

Clements	Erdman	Halloran	Lowe
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Present and not voting, 10:

Albrecht	Geist	Hughes	Linehan	Riepe
Bostelman	Groene	Kuehn	Murante	Watermeier

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 34.**

A BILL FOR AN ACT relating to elections; to amend section 32-610, Reissue Revised Statutes of Nebraska; to change filing provisions relating to partisan candidates; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Riepe

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB35 with 42 ayes, 2 nays, and 5 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 35.**

A BILL FOR AN ACT relating to corporations; to amend sections 21-201, 21-214, 21-217, 21-220, 21-254, 21-255, 21-264, 21-265, 21-266, 21-271, 21-275, 21-283, 21-285, 21-2,103, 21-2,113, 21-2,114, 21-2,120, 21-2,123, 21-2,124, 21-2,171, 21-2,172, 21-2,173, 21-2,197, 21-2,201, and 21-2,222, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the Nebraska Model Business Corporation Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Briese

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB88 with 44 ayes, 2 nays, and 3 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 88.** With Emergency Clause.

A BILL FOR AN ACT relating to health; to amend sections 38-101, 38-105, 38-121, 38-126, 38-186, 38-208, 38-319, 38-413, 38-517, 38-518, 38-615, 38-708, 38-809, 38-1066, 38-1067, 38-1070, 38-10132, 38-1121, 38-1217, 38-1218, 38-1312, 38-1421, 38-1507, 38-1509, 38-1512, 38-1513, 38-1516, 38-1711, 38-1712, 38-1814, 38-1917, 38-1917.02, 38-2028, 38-2034, 38-2049, 38-2125, 38-2130, 38-2201, 38-2211, 38-2216, 38-2220, 38-2223, 38-2225, 38-2305, 38-2314.01, 38-2316, 38-2317, 38-2318, 38-2322, 38-2421, 38-2517, 38-2523, 38-2609, 38-2707, 38-2853, 38-2924, 38-3120, 38-3212, 38-3327, and 38-3419, Reissue Revised Statutes of Nebraska; to adopt the Interstate Medical Licensure Compact; to terminate a prior Nurse Licensure Compact and adopt a new Nurse Licensure Compact; to provide for issuance of a temporary credential under the Uniform Credentialing Act to the spouse of a military member based on reciprocity as prescribed; to eliminate the Licensed Practical Nurse-Certified Practice Act; to eliminate obsolete provisions; to define and redefine terms; to authorize a licensed practical nurse to provide intravenous therapy under the Nurse Practice Act; to change program and licensure provisions under the Nurse Practitioner Act, the Hearing Instrument Specialists Practice Act, and the Nurse Practice Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 38-1601, 38-1602, 38-1603, 38-1604, 38-1605, 38-1606, 38-1607, 38-1608, 38-1609, 38-1610, 38-1611, 38-1612, 38-1613, 38-1614, 38-1615, 38-1616, 38-1617, 38-1618, 38-1619, 38-1620, 38-1621, 38-1622, 38-1623, 38-1624, and 38-1625, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 92.**

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-8509, Revised Statutes Cumulative Supplement, 2016; to require certain health carriers to provide coverage for certain services delivered through telehealth; to change provisions relating to telehealth services for children's behavioral health; to provide a duty for the Revisor of Statutes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 122.**

A BILL FOR AN ACT relating to families; to define terms; to provide for family member visitation petitions as prescribed; to provide for a hearing; and to provide for costs and fees as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Clements

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB151 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 151.** With Emergency Clause.

A BILL FOR AN ACT relating to state and local government; to amend sections 35-507, 81-1118, 81-1348, and 84-321, Reissue Revised Statutes of Nebraska, and sections 13-506, 13-511, 13-513, 73-506, 84-304, 84-305, and 84-311, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to notice requirements for certain hearings and meetings; to change procedures and provide for remedial and late fees under the Nebraska Budget Act; to change provisions relating to the duration of certain state agency contracts and membership on the Suggestion Award Board; to change powers and duties of the Auditor of Public Accounts, require descriptions of corrective action, provide for liability for fees and interest, provide for suitable accommodations for auditor employees by public entities, and authorize the sharing of auditor working papers as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 161.**

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5726 and 77-5735, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to a carryover period; to provide for applicability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 2:

Chambers      Schumacher

Present and not voting, 3:

Bolz            Hansen            Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB166 with 43 ayes, 2 nays, and 4 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 166.** With Emergency Clause.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-410, 28-411, 28-414, 28-414.01, 28-414.03, 28-442, 38-1,124, 38-1,125, 38-2801, 38-2802, 38-2866.01, 38-2870, 38-2892, 38-2897, 71-2412, and 71-2413, Reissue Revised Statutes of Nebraska, and sections 71-401, 71-2445, 71-2478, and 71-2479, Revised Statutes Cumulative Supplement, 2016; to change provisions of the Uniform Controlled Substances Act and the Pharmacy Practice Act; to change provisions relating to manufacturing, distributing, storing, prescribing, administering, dispensing, and recordkeeping for controlled substances, legend drugs, and devices as prescribed; to change drug paraphernalia provisions; to define and redefine terms; to change and eliminate provisions relating to pharmacy technicians, pharmacist interns, and reporting of impaired practitioners; to provide for practice agreements; to eliminate provisions relating to temporary pharmacist licenses and obsolete provisions; to harmonize provisions; to repeal the original sections; to outright repeal section 38-2853, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

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



Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 195.**

A BILL FOR AN ACT relating to health and human services; to require notification following mammography as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Riepe

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB222 with 40 ayes, 2 nays, and 7 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 222.**

A BILL FOR AN ACT relating to tourism; to amend sections 81-3702, 81-3710, 81-3712, 81-3713, 81-3721, and 81-3724, Reissue Revised Statutes of Nebraska, and sections 81-3701, 81-3703, 81-3711, 81-3714, and 81-3725, Revised Statutes Cumulative Supplement, 2016; to restate intent; to define a term; to change membership provisions for the Nebraska Tourism Commission; to provide for districts; to provide, change, and eliminate powers and duties; to eliminate obsolete provisions; to change and eliminate provisions relating to contracts; to provide for additional grants; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-3727, Revised Statutes Cumulative Supplement, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB271 with 37 ayes, 2 nays, and 10 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 271.**

A BILL FOR AN ACT relating to the Department of Roads; to amend

sections 39-891, 39-893, 39-1301, 39-1302, 39-1309, and 39-1320, Reissue Revised Statutes of Nebraska; to authorize the Department of Roads to assume certain responsibilities under federal environmental laws; to provide for a limited waiver of the state's sovereign immunity; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Bolz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB339 with 39 ayes, 2 nays, and 8 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 339.** With Emergency Clause.

A BILL FOR AN ACT relating to government; to amend sections 3-101, 3-102, 3-103, 3-104, 3-105, 3-107, 3-108, 3-109, 3-110, 3-111, 3-113, 3-114, 3-115, 3-116, 3-117, 3-118, 3-119, 3-120, 3-121, 3-123, 3-124, 3-125, 3-126, 3-127, 3-128, 3-131, 3-133, 3-134, 3-135, 3-137, 3-139, 3-140, 3-141, 3-142, 3-143, 3-144, 3-145, 3-146, 3-147, 3-148, 3-149, 3-152, 3-154, 3-155, 3-156, 3-157, 3-158, 3-201, 3-201.01, 3-215, 3-218, 3-222, 3-227, 3-228, 3-239, 3-332, 3-403, 3-404, 3-405, 3-407, 3-409, 12-1205, 13-912, 13-1203, 14-2113, 18-601, 18-613, 25-2501, 31-925,

39-102, 39-103, 39-202, 39-203, 39-204, 39-205, 39-206, 39-207, 39-208, 39-210, 39-211, 39-212, 39-213, 39-214, 39-216, 39-217, 39-218, 39-219, 39-220, 39-221, 39-222, 39-223, 39-224, 39-225, 39-308, 39-311, 39-312, 39-805, 39-822, 39-826.01, 39-826.02, 39-847, 39-847.01, 39-892, 39-1010, 39-1011, 39-1101, 39-1110, 39-1302, 39-1306.01, 39-1306.02, 39-1311, 39-1320, 39-1323.01, 39-1328.01, 39-1328.02, 39-1345.01, 39-1350, 39-1353, 39-1359.01, 39-1363, 39-1364, 39-1365.01, 39-1365.02, 39-1390, 39-1392, 39-1407, 39-1503, 39-1703, 39-1713, 39-1901, 39-2001, 39-2002, 39-2105, 39-2106, 39-2107, 39-2110, 39-2111, 39-2112, 39-2113, 39-2115, 39-2116, 39-2118, 39-2120, 39-2121, 39-2124, 39-2215, 39-2224, 39-2305, 39-2310, 39-2504, 39-2505, 39-2507, 39-2508, 39-2514, 39-2515, 39-2517, 39-2518, 39-2602, 39-2702, 39-2802, 39-2806, 46-251, 49-506, 55-181, 57-1102, 60-631, 60-658.01, 60-680, 60-695, 60-699, 60-6,101, 60-6,102, 60-6,103, 60-6,106, 60-6,107, 60-6,115, 60-6,118, 60-6,120, 60-6,126.01, 60-6,129, 60-6,130, 60-6,137, 60-6,138, 60-6,139, 60-6,145, 60-6,159, 60-6,164, 60-6,166, 60-6,167, 60-6,171, 60-6,176, 60-6,177, 60-6,186, 60-6,188, 60-6,189, 60-6,190, 60-6,193, 60-6,250, 60-6,292, 60-6,301, 60-6,311, 60-6,314, 60-6,335, 60-6,376, 60-1301, 60-1302, 60-1303, 66-6,109.02, 66-821, 66-822, 69-1701, 70-309, 72-108, 72-221, 72-221.01, 72-817, 74-1310, 74-1314, 74-1318, 74-1319, 74-1331, 74-1332, 74-1333, 74-1334, 74-1335, 74-1336, 74-1338, 74-1340, 74-1341, 74-1342, 74-1343, 75-713, 75-716, 76-1224, 79-604, 81-101, 81-102, 81-161.04, 81-188.01, 81-701.01, 81-701.02, 81-701.03, 81-701.04, 81-701.05, 81-710, 81-916, 81-917, 81-1108.22, 81-1114, 81-1711, 81-2801, 82-120, 82-505, 83-137, 85-1008, 86-707, 90-238, and 90-260, Reissue Revised Statutes of Nebraska, and sections 3-106, 3-159, 3-303, 3-407.01, 3-408, 13-520, 13-1210, 13-1212, 49-617, 57-1407, 60-507, 60-6,144, 60-6,153, 60-6,154, 60-6,230, 60-6,267, 60-6,288, 60-6,294, 60-6,297, 60-6,298, 60-6,299, 60-6,378, 60-6,380, 60-3101, 66-489.02, 66-4,100, 66-4,144, 66-738, 73-507, 77-3442, 77-3443, 81-8,310, 81-1108.15, 81-1108.43, and 81-3711.01, Revised Statutes Cumulative Supplement, 2016; to merge the Department of Aeronautics into the Department of Roads; to create the Division of Aeronautics; to rename the Department of Roads as the Department of Transportation; to provide for transfer of powers, duties, personnel, funds, rights, and property as prescribed; to rename an act and funds; to eliminate the Department of Aeronautics; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 2:

Baker            Krist

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB340 with 43 ayes, 2 nays, and 4 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 340.** With Emergency Clause.

A BILL FOR AN ACT relating to veterans homes; to amend sections 80-314, 80-315, 80-316, 80-317, 80-319, 80-320, 80-321, 80-322, 81-1316, 81-3113, 81-3116, 83-107.01, and 83-108, Reissue Revised Statutes of Nebraska; to name the Nebraska Veterans Services Act; to transfer powers and duties from the Division of Veterans' Homes of the Department of Health and Human Services to the Department of Veterans' Affairs; to provide for transfer of personnel, property, funds, rights, and duties as prescribed; to create a fund; to eliminate the division; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 432.** With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 13-508, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the amount of tax required to fund the adopted budget; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 506.**

A BILL FOR AN ACT relating to health and human services; to amend section 71-3407, Revised Statutes Cumulative Supplement, 2016; to adopt the Compassion and Care for Medically Challenging Pregnancies Act; to provide duties for the State Child and Maternal Death Review Team; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 539.** With Emergency Clause.

A BILL FOR AN ACT relating to the Office of Inspector General of the Nebraska Correctional System Act; to amend sections 47-901, 47-905, and 47-912, Revised Statutes Cumulative Supplement, 2016; to change and eliminate provisions relating to investigations; to authorize the public release of certain reports as prescribed; to prohibit certain personnel actions against employees; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Baker	Ebke	Hughes	Morfeld	Vargas
Blood	Geist	Kolowski	Murante	Walz
Bolz	Groene	Kolterman	Pansing Brooks	Watermeier
Bostelman	Halloran	Krist	Quick	Wayne
Brasch	Hansen	Kuehn	Riepe	Williams
Brewer	Harr	Larson	Scheer	Wishart
Chambers	Hilgers	Lindstrom	Schumacher	
Craighead	Hilkemann	McCollister	Smith	
Crawford	Howard	McDonnell	Stinner	

Voting in the negative, 2:

Erdman        Lowe

Present and not voting, 5:

Albrecht        Briese        Clements        Friesen        Linehan

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB600 with 38 ayes, 2 nays, and 9 present and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 600.**

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections 54-179, 54-189, 54-191, 54-192, 54-195, 54-198, 54-1,100, 54-1,105, 54-1,115, and 54-1,119, Reissue Revised Statutes of Nebraska, and sections 54-1,110 and 54-1,111, Revised Statutes Cumulative Supplement, 2016; to redefine terms; to change Nebraska Brand Committee membership and employee provisions; to eliminate obsolete provisions; to change provisions relating to promotional materials and brand recording; to provide for a filing fee as prescribed; to provide for the lease of a recorded brand; to eliminate a branding requirement for sheep; to provide and change brand inspection exceptions for certain cattle; to change provisions relating to livestock transportation permits; to eliminate provisions relating to registered dairies; to harmonize provisions; to repeal the original sections; and to outright repeal sections 54-1,122.01 and 54-1,122.02, Revised Statutes Cumulative Supplement, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:



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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB625 with 41 ayes, 3 nays, and 5 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 625.** With Emergency Clause.

A BILL FOR AN ACT relating to the Property Assessed Clean Energy Act; to amend sections 18-3201, 18-3202, 18-3203, 18-3204, 18-3205, 18-3206, 18-3207, 18-3208, 18-3209, 18-3210, and 18-3211, Revised Statutes Cumulative Supplement, 2016; to redefine terms; to change provisions relating to the creation of clean energy assessment districts, annual assessment collection, and reporting requirements; to eliminate a requirement relating to ongoing measurements for certain projects; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Baker	Ebke	Hughes	McCollister	Smith
Blood	Erdman	Kolowski	McDonnell	Stinner
Bolz	Halloran	Kolterman	Morfeld	Vargas
Brasch	Hansen	Krist	Pansing Brooks	Walz
Brewer	Harr	Kuehn	Quick	Watermeier
Chambers	Hilgers	Larson	Riepe	Wayne
Craighead	Hilkemann	Lindstrom	Scheer	Williams
Crawford	Howard	Linehan	Schumacher	Wishart

Voting in the negative, 3:

Albrecht	Lowe	Murante
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Present and not voting, 6:

Bostelman	Clements	Geist
Briese	Friesen	Groene

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 639.**

A BILL FOR AN ACT relating to labor; to amend section 48-226, Reissue Revised Statutes of Nebraska, and section 48-225, Revised Statutes Cumulative Supplement, 2016; to define and redefine terms; to change when a preference is required for certain government employment; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Riepe

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 137.**

A BILL FOR AN ACT relating to life insurance; to adopt the Unclaimed Life Insurance Benefits Act; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 180.**

A BILL FOR AN ACT relating to juveniles; to amend sections 43-2,129 and 43-2924, Reissue Revised Statutes of Nebraska; to provide for bridge orders transferring juvenile court jurisdiction of a juvenile to a district court as prescribed and application of the Parenting Act to such orders; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 3:

Kuehn          Linehan          Lowe

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 180A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 180, One Hundred Fifth Legislature, First Session, 2017.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 6:

Bostelman      Geist              Linehan  
Clements      Kuehn          Lowe

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 267.**

A BILL FOR AN ACT relating to public health; to amend section 71-468, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to onsite vaccinations as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Riepe

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 317.**

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-703, Reissue Revised Statutes of Nebraska; to provide for relevy or reassessment of a special assessment as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **MOTION(S) - Return LB444 to Select File**

Senator Lindstrom moved to return LB444 to Select File for the following specific amendment:

FA66

Strike the enacting clause.

Senator Lindstrom withdrew his motion to return.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 444.**

A BILL FOR AN ACT relating to workplace injury; to amend section 48-101.01, Revised Statutes Cumulative Supplement, 2016; to prohibit cities and counties from canceling health insurance coverage for injured first responders as prescribed; to change provisions relating to personal injuries to include frontline state employees under the Nebraska Workers' Compensation Act; to define terms; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Baker	Ebke	Krist	Scheer	Wayne
Blood	Hansen	Lindstrom	Schumacher	Williams
Bolz	Harr	McCollister	Smith	Wishart
Brasch	Hilkemann	McDonnell	Stinner	
Chambers	Howard	Morfeld	Vargas	
Craighead	Hughes	Pansing Brooks	Walz	
Crawford	Kolowski	Quick	Watermeier	

Voting in the negative, 8:

Albrecht	Erdman	Halloran	Lowe
Clements	Groene	Larson	Riepe

Present and not voting, 10:

Bostelman	Briese	Geist	Kolterman	Linehan
Brewer	Friesen	Hilgers	Kuehn	Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 535.

A BILL FOR AN ACT relating to real property; to amend section 23-1503.01, Reissue Revised Statutes of Nebraska, and section 76-214, Revised Statutes Cumulative Supplement, 2016; to authorize digital or electronic signatures for instruments submitted to the register of deeds as prescribed; to provide exemptions from a requirement to file a statement regarding the conveyance of real estate; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION(S) - Recommit LB641 to Committee**

Senator Erdman offered the following motion to LB641:

MO97

Recommit to the Banking, Commerce and Insurance Committee.

Senator Erdman withdrew his motion to recommit to committee.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 641.** With Emergency Clause.

A BILL FOR AN ACT relating to economic development; to amend sections 81-12,152 and 81-12,154, Reissue Revised Statutes of Nebraska; to provide for a Bioscience Innovation Program; to create a fund; to provide duties for the Director of Economic Development; to create the Nebraska Economic Development Task Force; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 32:

Baker	Ebke	Kolowski	Pansing Brooks	Watermeier
Blood	Geist	Kolterman	Quick	Wayne
Bolz	Hansen	Krist	Scheer	Williams
Brasch	Harr	Lindstrom	Smith	Wishart
Chambers	Hilgers	McCollister	Stinner	
Craighead	Hilkemann	McDonnell	Vargas	
Crawford	Howard	Morfeld	Walz	

Voting in the negative, 7:

Brewer	Erdman	Halloran	Riepe
Clements	Friesen	Lowe	

Present and not voting, 10:

Albrecht	Briese	Hughes	Larson	Murante
Bostelman	Groene	Kuehn	Linehan	Schumacher



Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 31:

Baker	Geist	Kolterman	Quick	Wayne
Blood	Hansen	Krist	Scheer	Williams
Bolz	Harr	Lindstrom	Smith	Wishart
Brasch	Hilgers	McCollister	Stinner	
Chambers	Hilkemann	McDonnell	Vargas	
Crawford	Howard	Morfeld	Walz	
Ebke	Kolowski	Pansing Brooks	Watermeier	

Voting in the negative, 5:

Brewer	Clements	Erdman	Halloran	Lowe
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Present and not voting, 13:

Albrecht	Craighead	Hughes	Linehan	Schumacher
Bostelman	Friesen	Kuehn	Murante	
Briese	Groene	Larson	Riepe	

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

#### **LEGISLATIVE BILL 641A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 641, One Hundred Fifth Legislature, First Session, 2017.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Baker	Geist	Kolterman	Quick	Wayne
Blood	Hansen	Krist	Scheer	Williams
Bolz	Harr	Lindstrom	Smith	Wishart
Brasch	Hilgers	McCollister	Stinner	
Chambers	Hilkemann	McDonnell	Vargas	
Crawford	Howard	Morfeld	Walz	
Ebke	Kolowski	Pansing Brooks	Watermeier	

Voting in the negative, 5:

Brewer	Clements	Erdman	Halloran	Lowe
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Present and not voting, 13:

Albrecht	Craighead	Hughes	Linehan	Schumacher
Bostelman	Friesen	Kuehn	Murante	
Briese	Groene	Larson	Riepe	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 148, 182, 207, 210, 407, 518, 518A, 566, 590, 9, 34, 35, 88, 92, 122, 151, 161, 166, 195, 222, 271, 339, 340, 432, 506, 539, 600, 625, 639, 137, 180, 180A, 267, 317, 444, and 535.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 383.** Placed on Select File.

**LEGISLATIVE BILL 231.** Placed on Select File.

**LEGISLATIVE BILL 239.** Placed on Select File.

**LEGISLATIVE BILL 306.** Placed on Select File.

**LEGISLATIVE BILL 241.** Placed on Select File.

**LEGISLATIVE BILL 519.** Placed on Select File.

**LEGISLATIVE BILL 464.** Placed on Select File with amendment.

ER72

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

2 insert the following new sections:

3 Section 1. Section 84-907.06, Revised Statutes Cumulative

4 Supplement, 2016, is amended to read:

5 84-907.06 Whenever an agency proposes to adopt, amend, or repeal a

6 rule or regulation, (1) at least thirty days before the public hearing,

7 when notice of a proposed rule or regulation is sent out, or (2) at the

8 same time the agency requests approval from the Governor for an emergency

9 rule or regulation under section 84-901.04, the agency shall send to the

10 Executive Board of the Legislative Council, and to the Secretary of State

11 to be made available to the public by means which include, but are not

12 limited to, publication on the Secretary of State's web site, if

13 applicable, (a) a copy of the hearing notice required by section 84-907,

14 (b) a draft copy of the rule or regulation, and (c) the information

15 provided to the Governor pursuant to section 84-907.09.

16 Sec. 2. Original section 84-907.06, Revised Statutes Cumulative

17 Supplement, 2016, is repealed.

18 Sec. 3. Since an emergency exists, this act takes effect when

19 passed and approved according to law.

20 2. On page 1, strike lines 2 through 7 and insert "section

21 84-907.06, Revised Statutes Cumulative Supplement, 2016; to provide  
22 notice to the Secretary of State of adoption, amendment, or repeal of a  
23 rule or regulation; to provide a duty for the Secretary of State; to  
24 repeal the original section; and to declare an emergency."

**LEGISLATIVE BILL 264.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

### **VISITORS**

Visitors to the Chamber were H.E. Ambassador Edward Yakobe Sawerengera of Malawi, Mayor Wild Ndipo of Blantyre and Delegation, and Norfolk Chamber of Commerce President Mark Zimmerer and Joe and Nancy Reynolds; 59 fourth-grade students from Hickory Hill Elementary, Papillion; Bill Rauth and Austin Mackrill; 3 fourth-grade students from St. Wenceslaus School, Dodge; 65 fourth-grade students from Fredstrom Elementary, Lincoln; and 27 fourth-grade students from Fullerton Elementary.

### **RECESS**

At 12:02 p.m., on a motion by Senator Craighead, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

### **ROLL CALL**

The roll was called and all members were present except Senators Friesen and Groene who were excused until they arrive.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 24, 2017, at 12:26 p.m. were the following: LBs 148, 182, 207, 210, 407, 518, 518A, 566, 590e, 9, 34, 35, 88e, 92, 122, 151e, 161, 166e, 195, 222, 271, 339e, 340e, 432e, 506, 539e, 600, 625e, 639, 137, 180, 180A, 267, 317, 444, and 535.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 75.**

A BILL FOR AN ACT relating to voting rights; to amend sections 29-112, 29-113, 29-2264, 32-312, 32-313, 32-1530, and 83-1,118, Reissue Revised Statutes of Nebraska; to provide for the restoration of voting rights upon completion of a felony sentence or probation for a felony; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Baker	Erdman	Krist	Pansing Brooks	Wayne
Blood	Hansen	Larson	Quick	Williams
Bolz	Harr	Linehan	Schumacher	Wishart
Chambers	Howard	McCollister	Smith	
Crawford	Kolowski	McDonnell	Vargas	
Ebke	Kolterman	Morfeld	Walz	

Voting in the negative, 13:

Albrecht	Geist	Hilkemann	Lowe	Scheer
Brewer	Halloran	Kuehn	Murante	
Clements	Hilgers	Lindstrom	Riepe	

Present and not voting, 7:

Bostelman	Briese	Hughes	Watermeier
Brasch	Craighead	Stinner	

Excused and not voting, 2:

Friesen	Groene
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 376.** With Emergency Clause.

A BILL FOR AN ACT relating to state property; to donate certain property to the Northeast Community College Area as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 4:

Briese	Lowe	McCollister	Morfeld
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Excused and not voting, 2:

Friesen	Groene
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB417 with 42 ayes, 2 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 417.**

A BILL FOR AN ACT relating to public health and welfare; to amend sections 13-308, 28-372, 38-101, 38-123, 43-296, 43-4406, 68-949, 71-6038, 71-6039.06, 71-6603, 81-2210, 81-2273, 81-2274, 81-2275, 81-2279, 81-2281, and 81-2283, Reissue Revised Statutes of Nebraska, and sections 68-908, 68-909, 71-806, 71-810, 71-1904, and 71-6039, Revised Statutes Cumulative Supplement, 2016; to eliminate references to nursing assistants; to provide for nurse aides in certain health care facilities as prescribed; to change provisions relating to providing notice to credential holders under the Uniform Credentialing Act; to change and eliminate reporting requirements under the Medical Assistance Act; to change provisions relating to a child welfare services report; to provide for standards for peer services for and eliminate obsolete provisions of behavioral health services; to rename the Nebraska Senior Companion Volunteer Program Act; to change the purpose of the act; to eliminate the

Nebraska Senior Companion Volunteer Program; to change and eliminate benefits for and restrictions on senior volunteers; to change and eliminate provisions relating to application for and use of grant funds and funding by municipal corporations; to eliminate certain reporting requirements and provisions relating to foster care licensing, regional center occupancy rates, and data systems; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-2233, 81-2276, 81-2277, 81-2278, and 81-2280, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Friesen            Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 91.**

A BILL FOR AN ACT relating to metabolic screening; to amend sections 71-519, 71-520, 71-522, and 71-523, Reissue Revised Statutes of Nebraska; to change provisions relating to infant screening as prescribed; to define a term; to change a fee; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 91A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 91, One Hundred Fifth Legislature, First Session, 2017.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB217 with 43 ayes, 2 nays, and 4 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 217.** With Emergency Clause.

A BILL FOR AN ACT relating to law; to amend sections 9-433, 13-509, 77-2783, 77-2785, 77-5902, 77-5904, 79-1016, 81-1201.15, 81-1201.20, and 81-12,156, Reissue Revised Statutes of Nebraska, and sections 58-708, 69-2710.01, 77-1333, 77-1359, 77-1832, 77-1833, 77-1837.01, 77-2503, 77-2506, 77-2604, 77-2604.01, 77-2701, 77-2756, 77-27,238, 77-3510, 77-3517, 77-4212, 77-5725, 77-5903, 77-5905, 77-6302, 77-6306, 77-6307, and 81-12,153, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to lotteries and raffles, certifying taxable values, the use of funds under the Nebraska Affordable Housing Act, cigarette sales reports, rent-restricted housing projects, assessment of agricultural land and horticultural land, service of notice when applying for a tax deed, laws governing certain tax sale certificates, affordable housing tax credits, statements on income taxes withheld, mathematical and clerical errors in income tax returns, employer tax credits, homestead exemption forms and lists, accrual of interest on denied and reduced homestead exemptions, tobacco product tax returns, property tax credits, property tax exemptions under the Nebraska Advantage Act, confidentiality requirements, taxable valuations for school districts, and economic development projects; to provide for a report regarding certain amendments to the Internal Revenue Code; to eliminate provisions relating to distressed areas in the Nebraska Advantage Microenterprise Tax Credit Act, the Angel Investment Tax Credit Act, and the Business Innovation Act; to eliminate the Low-Income Home Energy Conservation Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 66-1013, 66-1017, 66-1018, and 66-1019, Reissue Revised Statutes of Nebraska, and sections 66-1012, 66-1014, 66-1015, 66-1016, and 66-1019.01, Revised Statutes Cumulative Supplement, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:



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

Voting in the negative, 0.

Present and not voting, 2:

Geist            Lowe

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB225 with 40 ayes, 3 nays, and 6 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 225.** With Emergency Clause.

A BILL FOR AN ACT relating to children and families; to amend sections 28-712, 28-712.01, 28-718, 43-2,108, 43-1318, 43-4218, 43-4701, 43-4702, 43-4703, 43-4704, 43-4706, 43-4707, 43-4709, and 43-4714, Reissue Revised Statutes of Nebraska; to change provisions relating to alternative response and the confidentiality of certain juvenile records; to provide for a central registry record checks fee; to create an advisory group, require reports, and provide a termination date; to rename and change provisions relating to the Normalcy Task Force; to change provisions relating to the Nebraska Strengthening Families Act; to restate legislative intent; to define and redefine terms; to change and provide duties for the Department of Health and Human Services, the Office of Probation Administration, foster family homes, child-care institutions, and juvenile facilities as prescribed; to provide for training; to provide for rules and regulations; to eliminate a data pilot project; to harmonize provisions; to provide for operative dates; to repeal the original sections; to outright repeal section 43-1322, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Lowe

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 225A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 225, One Hundred Fifth Legislature, First Session, 2017; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 3:

Hilgers            Lowe            Watermeier

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB263 with 41 ayes, 4 nays, and 4 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 263.** With Emergency Clause.

A BILL FOR AN ACT relating to government; to amend sections 13-910, 37-1201, 37-1279, 37-1283, 37-1287, 60-168.02, 60-192, 60-394, 60-3,126, 60-3,184, 60-483, 60-4,109, 60-4,168.01, 60-506.01, 60-699, 60-6,168, 75-110, 75-303.01, 75-303.02, 75-303.03, 76-2316, 76-2319, 76-2320, 81-8,219, and 83-123, Reissue Revised Statutes of Nebraska, and sections 60-101, 60-102, 60-119.01, 60-144, 60-149, 60-154, 60-155, 60-161, 60-164, 60-166, 60-301, 60-302, 60-317, 60-336.01, 60-363, 60-372, 60-385, 60-386, 60-393, 60-395, 60-396, 60-3,104, 60-3,104.01, 60-3,113.04, 60-3,118, 60-3,120, 60-3,121, 60-3,122, 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,124, 60-3,125, 60-3,128, 60-3,130.04, 60-3,135.01, 60-3,141, 60-3,151, 60-3,161, 60-3,193.01, 60-3,224, 60-3,227, 60-3,229, 60-3,231, 60-462.01, 60-479.01, 60-4,108, 60-4,147.02, 60-4,168, 60-501, 60-628.01, 60-1505, 60-2904, 60-2907, 75-128, 75-306, 75-309, 75-311, 75-363, 75-364, 75-366, 75-369.03, 75-392, 75-393, 76-2325, and 77-2703, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the State Boat Act, the Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, the Motor Vehicle Operator's License Act, the Motor Vehicle Safety Responsibility Act, the Nebraska Rules of the Road, the Uniform Motor Vehicle Records Disclosure Act, and the One-Call Notification System Act; to provide for Native American Cultural Awareness and History Plates and to create a fund; to change provisions relating to the use of a fund and certain registration and title records kept by the Department of Motor Vehicles; to provide for an electronic dealer services system; to change provisions relating to the Public Service Commission, motor carriers, and the issuance of license plates; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 263A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 263, One Hundred Fifth Legislature, First Session, 2017; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 276.**

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 81-2,155, 81-2,156, and 81-2,157, Reissue Revised Statutes of Nebraska; to change provisions relating to hybrid seed corn; to provide and change enforcement powers and judicial remedies; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB487 with 43 ayes, 3 nays, and 3 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 487.**

A BILL FOR AN ACT relating to drugs; to amend sections 25-21,280, 28-101, 28-401, 28-401.01, 28-405, 28-416, 28-441, and 28-470, Reissue Revised Statutes of Nebraska; to provide and change immunity provisions with respect to asthma and allergic reactions; to redefine marijuana; to

include U-47700 as a Schedule I controlled substance and cannabidiol as a Schedule V controlled substance as prescribed under the Uniform Controlled Substances Act; to provide an exception from criminal liability for certain violations relating to or committed by persons experiencing or witnessing a controlled substance overdose; to provide protection from civil liability for emergency responders and peace officers administering naloxone as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Baker	Crawford	Howard	McDonnell	Vargas
Blood	Ebke	Hughes	Morfeld	Walz
Bolz	Friesen	Kolowski	Murante	Watermeier
Bostelman	Hansen	Kolterman	Quick	Wayne
Brasch	Harr	Krist	Scheer	Williams
Chambers	Hilgers	Lindstrom	Smith	Wishart
Craighead	Hilkemann	McCollister	Stinner	

Voting in the negative, 5:

Brewer	Clements	Erdman	Halloran	Lowe
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Present and not voting, 10:

Albrecht	Geist	Kuehn	Linehan	Riepe
Briese	Groene	Larson	Pansing Brooks	Schumacher

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **COMMITTEE REPORT**

Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: LB641.

(Signed) Anna Wishart, Chairperson

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 113.** Introduced by Bolz, 29.

**PURPOSE:** The Nebraska Health Care Cash Fund was initially created with a \$50 million endowment for health care programs using the principal and

investment income from the Nebraska Tobacco Settlement Trust Fund and the Nebraska Medicaid Intergovernmental Trust Fund. The purpose of this endowment was to create an ongoing funding mechanism for health care in Nebraska.

The purpose of this interim study is to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund. This study shall include:

- (1) A review of the annual Nebraska Health Care Cash Fund reports provided by the Department of Health and Human Services;
- (2) Input from interested parties regarding the funds necessary to continue using the Nebraska Health Care Cash Fund to pay for health care and related services; and
- (3) Recommendations as to any statutory or funding changes that the Legislature should make in order to protect the ongoing viability of the Nebraska Health Care Cash Fund.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**AMENDMENT(S) - Print in Journal**

Senator Erdman filed the following amendment to LB427:  
AM1166

(Amendments to Final Reading copy)

- 1 1. On page 1, line 3, after "for" insert "certain".
- 2 2. On page 2, line 18, after "district" insert "in any county
- 3 containing a city of the metropolitan class or any county containing a
- 4 city of the primary class".

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 641, 641A, 75, 376, 417, 91, 91A, 217, 225, 225A, 263, 263A, 276, and 487.

**GENERAL FILE**

**LEGISLATIVE BILL 595.** Title read. Considered.

Committee AM581, found on page 728, was offered.

Senator Chambers withdrew his motion, MO19, found on page 332, to refer to the Judiciary Committee.

Senator Baker offered his amendment, AM797, found on page 836, to the committee amendment.

Senator Chambers offered the following motion:

MO98

Recommit to the Education Committee.

**SPEAKER SCHEER PRESIDING****PRESIDENT FOLEY PRESIDING**

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 371.** Placed on Select File.

**LEGISLATIVE BILL 86.** Placed on Select File with amendment.

ER71

1 1. On page 1, strike beginning with "eliminate" in line 2 through  
2 "regarding" in line 3 and insert "change provisions relating to".

**LEGISLATIVE BILL 476.** Placed on Select File.

**LEGISLATIVE BILL 406.** Placed on Select File with amendment.

ER73

1 1. On page 1, line 1, strike "automobile liability" and insert  
2 "insurance".

**LEGISLATIVE BILL 584.** Placed on Select File with amendment.

ER74

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Section 39-1811, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 39-1811 (1) It shall be the duty of the landowners in this state to  
6 mow all weeds that can be mowed with the ordinary farm mower to the  
7 middle of all public roads and drainage ditches running along their lands  
8 at least twice each year, namely, sometime in July for the first time and



9 ~~sometime in September for the second time before July 15, for the first~~  
 10 ~~time and sometime in August for the second time.~~  
 11 (2) This section shall not restrict landowners, a county, or a  
 12 township from management of (a) roadside vegetation on road shoulders or  
 13 of sight distances at intersections and entrances at any time of the year  
 14 or (b) snow control mowing as may be necessary.  
 15 (3) Except as provided in subsection (2) of this section, no person  
 16 employed by or under contract with a county or township to mow roadside  
 17 ditches shall do such mowing before July 1 of any year.  
 18 ~~(4) (2)~~ Whenever a landowner, referred to in subsections (1) and ~~(5)~~  
 19 ~~(3)~~ of this section, neglects to mow the weeds as provided in this  
 20 section, it shall be the duty of the county board on complaint of any  
 21 resident of the county to cause the weeds to be mowed or otherwise  
 22 destroyed on neglected portions of roads or ditches complained of.  
 23 ~~(5) (3)~~ The county board shall cause to be ascertained and recorded  
 24 an accurate account of the cost of mowing or destroying such weeds, as  
 25 referred to in subsections (1) and ~~(4) (2)~~ of this section, in such  
 26 places, specifying, in such statement or account of costs, the  
 27 description of the land abutting upon each side of the highway where such  
 1 weeds were mowed or destroyed, and, if known, the name of the owner of  
 2 such abutting land. The board shall file such statement with the county  
 3 clerk, together with a description of the lands abutting on each side of  
 4 the road where such expenses were incurred, and the county board, at the  
 5 time of the annual tax levy made upon lands and property of the county,  
 6 may, if it desires, assess such cost upon such abutting land, giving such  
 7 landowner due notice of such proposed assessment and reasonable  
 8 opportunity to be heard concerning the proposed assessment before the  
 9 same is finally made.  
 10 Sec. 2. Original section 39-1811, Reissue Revised Statutes of  
 11 Nebraska, is repealed.

**LEGISLATIVE BILL 375.** Placed on Select File.

**LEGISLATIVE BILL 463.** Placed on Select File.

**LEGISLATIVE BILL 318.** Placed on Select File with amendment.

ER76

1 1. On page 1, line 3, strike "and"; and in line 4 after "section"  
 2 insert "; and to declare an emergency".

**LEGISLATIVE BILL 280.** Placed on Select File with amendment.

ER75

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. Section 42-1203, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 42-1203 For purposes of the Address Confidentiality Act:  
 6 (1) Abuse means causing or attempting to cause physical harm,  
 7 placing another person in fear of physical harm, or causing another  
 8 person to engage involuntarily in sexual activity by force, threat of

9 force, or duress, when committed by (a) a person against his or her  
10 spouse, (b) a person against his or her former spouse, (c) a person  
11 residing with the victim if such person and the victim are or were in a  
12 dating relationship, (d) a person who formerly resided with the victim if  
13 such person and the victim are or were in a dating relationship, (e) a  
14 person against a parent of his or her children, whether or not such  
15 person and the victim have been married or resided together at any time,  
16 (f) a person against a person with whom he or she is in a dating  
17 relationship, (g) a person against a person with whom he or she formerly  
18 was in a dating relationship, or (h) a person related to the victim by  
19 consanguinity or affinity;

20 (2) Address means a residential street address, school address, or  
21 work address of an individual as specified on the individual's  
22 application to be a program participant;

23 (3) Dating relationship means an intimate or sexual relationship;

24 (4) Program participant means a person certified as a program  
25 participant under section 42-1204;

26 (5) Sexual assault has the same meaning as in section 28-319,  
27 28-319.01, 28-320, 28-320.01, or 28-386; ~~and~~

1 (6) Stalking has the same meaning as in sections 28-311.02 to  
2 28-311.05; ~~and~~ -

3 (7) Trafficking victim has the same meaning as in section 28-830.

4 Sec. 2. Section 42-1204, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 42-1204 (1) An adult, a parent or guardian acting on behalf of a  
7 minor, or a guardian acting on behalf of an incapacitated person as  
8 defined in section 30-2601 may apply to the Secretary of State to have an  
9 address designated by the Secretary of State serve as the substitute  
10 address of such adult, minor, or incapacitated person. The Secretary of  
11 State shall approve an application if it is filed in the manner and on  
12 the form prescribed by the Secretary of State and if it contains:

13 (a) A sworn statement by the applicant that the applicant has good  
14 reason to believe (i) that the applicant, or the minor or incapacitated  
15 person on whose behalf the application is made, is a victim of abuse,  
16 sexual assault, or stalking or is a trafficking victim and (ii) that the  
17 applicant fears for his or her safety, his or her children's safety, or  
18 the safety of the minor or incapacitated person on whose behalf the  
19 application is made;

20 (b) A designation of the Secretary of State as agent for purposes of  
21 service of process and receipt of mail;

22 (c) The mailing address and the telephone number or numbers where  
23 the applicant can be contacted by the Secretary of State;

24 (d) The new address or addresses that the applicant requests not be  
25 disclosed for the reason that disclosure will increase the risk of abuse,  
26 sexual assault, ~~or~~ stalking, or trafficking; and

27 (e) The signature of the applicant and of any individual or  
28 representative of any office designated in writing under section 42-1209  
29 who assisted in the preparation of the application and the date on which  
30 the applicant signed the application.

31 (2) Applications shall be filed in the office of the Secretary of  
1 State.

2 (3) Upon filing a properly completed application, the Secretary of  
3 State shall certify the applicant as a program participant. Such  
4 certification shall be valid for four years following the date of filing  
5 unless the certification is withdrawn or invalidated before that date.

6 The Secretary of State may by rule and regulation establish a renewal  
7 procedure.

8 (4) A person who falsely attests in an application that disclosure  
9 of the applicant's address would endanger the applicant, the applicant's  
10 children, or the minor or incapacitated person on whose behalf the  
11 application is made, or who knowingly provides false or incorrect  
12 information upon making an application, is guilty of a Class II  
13 misdemeanor.

14 Sec. 3. Section 42-1209, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 42-1209 The Secretary of State shall designate state and local  
17 agencies and nonprofit entities that provide counseling and shelter  
18 services to victims of abuse, sexual assault, or stalking or trafficking  
19 victims to assist persons applying to be program participants. Any  
20 assistance or counseling rendered by the office of the Secretary of State  
21 or its designees to such applicants shall not be deemed legal advice or  
22 the practice of law.

23 Sec. 4. Section 84-907.03, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 84-907.03 There is hereby created the Secretary of State  
26 Administration Cash Fund. The fund shall consist of revenue received to  
27 defray costs as authorized in sections 25-3308 and 84-901 to 84-908. The  
28 revenue shall be collected by the Secretary of State and remitted to the  
29 State Treasurer for credit to the fund. The fund shall be used to (1)  
30 offset expenses incurred as a result of sections 84-901 to 84-908, (2)  
31 ~~administer the Address Confidentiality Act, (3) administer the Nebraska~~  
1 Uniform Athlete Agents Act, and ~~(3)~~ (4) administer the Nonrecourse Civil  
2 Litigation Act.

3 Any money in the fund available for investment shall be invested by  
4 the state investment officer pursuant to the Nebraska Capital Expansion  
5 Act and the Nebraska State Funds Investment Act.

6 Sec. 5. Section 9-531, Uniform Commercial Code, Revised Statutes  
7 Cumulative Supplement, 2016, is amended to read:

8 9-531 Uniform Commercial Code Cash Fund; created; use; Secretary of  
9 State; duties; fees.

10 (a) There is created the Uniform Commercial Code Cash Fund. Except  
11 as otherwise specifically provided, all funds received pursuant to this  
12 part and sections 52-1312, 52-1313, 52-1316, and 52-1602, Reissue Revised  
13 Statutes of Nebraska, shall be placed in the fund and used by the  
14 Secretary of State to carry out this part, the Address Confidentiality  
15 Act, sections 52-1301 to 52-1322, Reissue Revised Statutes of Nebraska,  
16 and sections 52-1601 to 52-1605, Reissue Revised Statutes of Nebraska,  
17 except that transfers from the Uniform Commercial Code Cash Fund to the

18 General Fund, the Election Administration Fund, and the Records  
 19 Management Cash Fund may be made at the direction of the Legislature.  
 20 (b)(1) The Secretary of State shall furnish each county clerk with  
 21 computer terminal hardware, including a printer, compatible with the  
 22 centralized computer system implemented and maintained pursuant to  
 23 section 9-529, for inquiries and searches of information in such  
 24 centralized computer system. The terminals shall be readily and  
 25 reasonably available and accessible to members of the public for such  
 26 inquiries and searches.  
 27 (2) The fees charged by county clerks for inquiries and other  
 28 services regarding information in the centralized computer system shall  
 29 be the same as set forth for filing offices in this part.  
 30 Sec. 6. Original sections 42-1203, 42-1204, 42-1209, and 84-907.03,  
 31 Reissue Revised Statutes of Nebraska, and section 9-531, Uniform  
 1 Commercial Code, Revised Statutes Cumulative Supplement, 2016, are  
 2 repealed.  
 3 Sec. 7. Since an emergency exists, this act takes effect when  
 4 passed and approved according to law.  
 5 2. On page 1, strike lines 2 through 8 and insert "sections 42-1203,  
 6 42-1204, 42-1209, and 84-907.03, Reissue Revised Statutes of Nebraska,  
 7 and section 9-531, Uniform Commercial Code, Revised Statutes Cumulative  
 8 Supplement, 2016; to define a term; to change eligibility for program  
 9 participation; to change powers and duties; to change provisions relating  
 10 to certain funds; to harmonize provisions; to repeal the original  
 11 sections; and to declare an emergency."

**LEGISLATIVE BILL 624.** Placed on Select File.

**LEGISLATIVE BILL 204.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Friesen filed the following amendment to LB327:

AM1155

(Amendments to Standing Committee amendments, AM590)

1 1. On page 60, line 15, strike "\$441,900,000" and insert  
 2 "\$437,500,000"; and in line 21 strike "\$448,600,000" and insert  
 3 \$446,500,000".

Senator Friesen filed the following amendment to LB331:

AM1156

(Amendments to Standing Committee amendments, AM594)

1 1. On page 27, line 19, strike "fifteen million" and insert "seven  
 2 million five hundred thousand"; and in line 23 strike "fifteen million"  
 3 and insert "seven million five hundred thousand".

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 24, 2017, at 2:15 p.m. were the following: LBs 641, 641A, 75, 376e, 417, 91, 91A, 217e, 225e, 225Ae, 263e, 263Ae, 276, and 487.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

**NOTICE OF COMMITTEE HEARING(S)**  
Nebraska Retirement Systems

Room 1525

Wednesday, May 24, 2017 12:00 p.m.

Omaha School Employees Retirement System Actuarial Report

(Signed) Mark Kolterman, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 595.** The Chambers motion, MO98, found in this day's Journal, to recommit to the Education Committee, was renewed.

Senator Halloran moved the previous question. The question is, "Shall the debate now close?"

Senator Halloran moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The motion to cease debate prevailed with 29 ayes, 2 nays, 10 present and not voting, and 8 excused and not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to recommit to committee.

Voting in the affirmative, 14:

Baker	Hansen	Kolowski	Quick	Wayne
Blood	Hilkemann	Morfeld	Vargas	Williams
Crawford	Howard	Pansing Brooks	Walz	

Voting in the negative, 24:

Albrecht	Briese	Geist	Lindstrom	Riepe
Bolz	Clements	Groene	Linehan	Scheer
Bostelman	Craighead	Halloran	Lowe	Stinner
Brasch	Erdman	Hughes	McDonnell	Wishart
Brewer	Friesen	Kolterman	Murante	

Present and not voting, 3:

Chambers Schumacher Smith

Excused and not voting, 8:

Ebke	Hilgers	Kuehn	McCollister
Harr	Krist	Larson	Watermeier

The Chambers motion to recommit to committee failed with 14 ayes, 24 nays, 3 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO99

Reconsider the vote to recommit to committee.

Pending.

#### **AMENDMENT(S) - Print in Journal**

Senator Chambers filed the following amendment to LB595:  
AM1158

(Amendments to Standing Committee amendments, AM581)

- 1 1. On page 1, after line 24 insert the following new subsections:
- 2 "(5) Any student who defends himself or herself by any means
- 3 necessary against a teacher or administrator who employs unreasonable or
- 4 excessive force or restraint against such student shall not be subject to
- 5 legal action or administrative discipline.
- 6 (6) Any student who defends another student by any means necessary
- 7 against a teacher or administrator who employs unreasonable or excessive
- 8 force or restraint against such other student shall not be subject to
- 9 legal action or administrative discipline.".

Senator Walz filed the following amendment to LB595:  
AM1165

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. The Legislature finds that:
- 4 (1) Early intervention is essential to developing life-long well-
- 5 being for children facing mental health needs;
- 6 (2) Mental health challenges are frequently identified in the school

7 setting;

8 (3) The findings of the Adverse Childhood Experiences Study  
9 conducted by the federal Centers for Disease Control and Prevention make  
10 it clear that childhood experiences have a tremendous impact on life-long  
11 health and opportunity;

12 (4) Best practices are available for children and families to  
13 promote health, stability, and well-being through treatment and therapy,  
14 prevention, and early intervention. Such best practices can prevent entry  
15 into the child welfare and juvenile justice systems as well as promote  
16 mental health; and

17 (5) Creation of Children's Connection program initiatives in each of  
18 the behavioral health regions established pursuant to section 71-807 will  
19 provide the best practices described in subdivision (4) of this section.  
20 Sec. 2. A Children's Connection program shall be created in each of  
21 the behavioral health regions established pursuant to section 71-807.  
22 Each program shall be a partnership between the behavioral health region  
23 and Nebraska schools serving children in kindergarten through grade  
24 eight.

25 The goals of the programs are to identify children with social and  
26 emotional difficulties and to work with parents, schools, and health care  
27 providers to provide timely, effective, and family-centered services in  
1 order to prevent child welfare or juvenile justice system involvement.

2 Sec. 3. The Division of Behavioral Health of the Department of  
3 Health and Human Services shall administer the Children's Connection  
4 program. The division shall:

5 (1) Solicit annual program plans from each behavioral health region  
6 and ensure that the plans meet initiative requirements;  
7 (2) Identify evidence-based best practices in interventions for  
8 children and provide evidence-based training to mental health  
9 coordinators and community mental health providers on at least a biannual  
10 basis; and

11 (3) Complete an annual evaluation of the program in each region  
12 based on number of children referred and assessed, number of children  
13 served, implementation of evidence-based practices, and improved health  
14 and academic outcomes for children.

15 Sec. 4. Each behavioral health region shall develop a Children's  
16 Connection program initiative with the following components:

17 (1) Formal agreements with specific referral sources, including, but  
18 not limited to, public and private schools as well as the Nebraska Help  
19 Line;

20 (2) Training for referral sources to recognize and refer children  
21 who could benefit from the program;

22 (3) Formal agreements with community mental health providers to  
23 serve children referred to the program with evidence-based strategies;

24 (4) Implementation of strategies to utilize available health  
25 insurance or the medical assistance program;

26 (5) At least one mental health coordinator who shall meet with  
27 families, assess needs, identify barriers to accessing services, and  
28 assist with making connections to the health care provider;

29 (6) Funding specifically allocated for children who are assessed to  
 30 require treatment but do not have the means to pay for such treatment;  
 31 (7) Plans for collecting and submitting documentation of outcomes  
 1 and to participate in evaluation activities as required by the division;  
 2 and  
 3 (8) A budget including a local match of at least one-fourth of the  
 4 total cost of the initiative.  
 5 Sec. 5. It is the intent of the Legislature to appropriate two  
 6 million dollars each fiscal year to the Department of Health and Human  
 7 Services for distribution to each of the behavioral health regions to  
 8 establish a Children's Connection program.

Senator Friesen filed the following amendment to LB409:  
 AM1163

(Amendments to Standing Committee amendments, AM955)

1 1. Insert the following new sections:  
 2 Section 1. Section 77-3442, Revised Statutes Cumulative Supplement,  
 3 2016, is amended to read:  
 4 77-3442 (1) Property tax levies for the support of local governments  
 5 for fiscal years beginning on or after July 1, 1998, shall be limited to  
 6 the amounts set forth in this section except as provided in section  
 7 77-3444.  
 8 (2)(a)(i) Prior to January 1, 2020, except ~~(2)(a) Except~~ as provided  
 9 in subdivisions (2)(b) and (2)(e) of this section, school districts and  
 10 multiple-district school systems may levy a maximum levy of one dollar  
 11 and five cents per one hundred dollars of taxable valuation of property  
 12 subject to the levy.  
 13 (ii) On and after January 1, 2020, school districts and multiple-  
 14 district school systems may levy the levy approved by the school board or  
 15 the board of the multiple-district school system.  
 16 (b) For each fiscal year prior to fiscal year 2017-18, learning  
 17 communities may levy a maximum levy for the general fund budgets of  
 18 member school districts of ninety-five cents per one hundred dollars of  
 19 taxable valuation of property subject to the levy. The proceeds from the  
 20 levy pursuant to this subdivision shall be distributed pursuant to  
 21 section 79-1073.  
 22 (c) Except as provided in subdivision (2)(e) of this section, for  
 23 each fiscal year prior to fiscal year 2017-18, school districts that are  
 24 members of learning communities may levy for purposes of such districts'  
 25 general fund budget and special building funds a maximum combined levy of  
 26 the difference of one dollar and five cents on each one hundred dollars  
 1 of taxable property subject to the levy minus the learning community levy  
 2 pursuant to subdivision (2)(b) of this section for such learning  
 3 community.  
 4 (d) Excluded from the limitations in subdivisions (2)(a) and (2)(c)  
 5 of this section are amounts levied to pay for sums agreed to be paid by a  
 6 school district to certificated employees in exchange for a voluntary  
 7 termination of employment, amounts levied in compliance with sections  
 8 79-10,110 and 79-10,110.02, and amounts levied to pay for special



9 building funds and sinking funds established for projects commenced prior  
10 to April 1, 1996, for construction, expansion, or alteration of school  
11 district buildings. For purposes of this subsection, commenced means any  
12 action taken by the school board on the record which commits the board to  
13 expend district funds in planning, constructing, or carrying out the  
14 project.

15 (e) Federal aid school districts may exceed the maximum levy  
16 prescribed by subdivision (2)(a) or (2)(c) of this section only to the  
17 extent necessary to qualify to receive federal aid pursuant to Title VIII  
18 of Public Law 103-382, as such title existed on September 1, 2001. For  
19 purposes of this subdivision, federal aid school district means any  
20 school district which receives ten percent or more of the revenue for its  
21 general fund budget from federal government sources pursuant to Title  
22 VIII of Public Law 103-382, as such title existed on September 1, 2001.

23 (f) For each fiscal year, learning communities may levy a maximum  
24 levy of one-half cent on each one hundred dollars of taxable property  
25 subject to the levy for elementary learning center facility leases, for  
26 remodeling of leased elementary learning center facilities, and for up to  
27 fifty percent of the estimated cost for focus school or program capital  
28 projects approved by the learning community coordinating council pursuant  
29 to section 79-2111.

30 (g) For each fiscal year, learning communities may levy a maximum  
31 levy of one and one-half cents on each one hundred dollars of taxable  
1 property subject to the levy for early childhood education programs for  
2 children in poverty, for elementary learning center employees, for  
3 contracts with other entities or individuals who are not employees of the  
4 learning community for elementary learning center programs and services,  
5 and for pilot projects, except that no more than ten percent of such levy  
6 may be used for elementary learning center employees.

7 (3) For each fiscal year, community college areas may levy the  
8 levies provided in subdivisions (2)(a) through (c) of section 85-1517, in  
9 accordance with the provisions of such subdivisions. A community college  
10 area may exceed the levy provided in subdivision (2)(b) of section  
11 85-1517 by the amount necessary to retire general obligation bonds  
12 assumed by the community college area or issued pursuant to section  
13 85-1515 according to the terms of such bonds or for any obligation  
14 pursuant to section 85-1535 entered into prior to January 1, 1997.

15 (4)(a) Natural resources districts may levy a maximum levy of four  
16 and one-half cents per one hundred dollars of taxable valuation of  
17 property subject to the levy.

18 (b) Natural resources districts shall also have the power and  
19 authority to levy a tax equal to the dollar amount by which their  
20 restricted funds budgeted to administer and implement ground water  
21 management activities and integrated management activities under the  
22 Nebraska Ground Water Management and Protection Act exceed their  
23 restricted funds budgeted to administer and implement ground water  
24 management activities and integrated management activities for FY2003-04,  
25 not to exceed one cent on each one hundred dollars of taxable valuation  
26 annually on all of the taxable property within the district.

27 (c) In addition, natural resources districts located in a river  
28 basin, subbasin, or reach that has been determined to be fully  
29 appropriated pursuant to section 46-714 or designated as overappropriated  
30 pursuant to section 46-713 by the Department of Natural Resources shall  
31 also have the power and authority to levy a tax equal to the dollar  
1 amount by which their restricted funds budgeted to administer and  
2 implement ground water management activities and integrated management  
3 activities under the Nebraska Ground Water Management and Protection Act  
4 exceed their restricted funds budgeted to administer and implement ground  
5 water management activities and integrated management activities for  
6 FY2005-06, not to exceed three cents on each one hundred dollars of  
7 taxable valuation on all of the taxable property within the district for  
8 fiscal year 2006-07 and each fiscal year thereafter through fiscal year  
9 2017-18.

10 (5) Any educational service unit authorized to levy a property tax  
11 pursuant to section 79-1225 may levy a maximum levy of one and one-half  
12 cents per one hundred dollars of taxable valuation of property subject to  
13 the levy.

14 (6)(a) Incorporated cities and villages which are not within the  
15 boundaries of a municipal county may levy a maximum levy of forty-five  
16 cents per one hundred dollars of taxable valuation of property subject to  
17 the levy plus an additional five cents per one hundred dollars of taxable  
18 valuation to provide financing for the municipality's share of revenue  
19 required under an agreement or agreements executed pursuant to the  
20 Interlocal Cooperation Act or the Joint Public Agency Act. The maximum  
21 levy shall include amounts levied to pay for sums to support a library  
22 pursuant to section 51-201, museum pursuant to section 51-501, visiting  
23 community nurse, home health nurse, or home health agency pursuant to  
24 section 71-1637, or statue, memorial, or monument pursuant to section  
25 80-202.

26 (b) Incorporated cities and villages which are within the boundaries  
27 of a municipal county may levy a maximum levy of ninety cents per one  
28 hundred dollars of taxable valuation of property subject to the levy. The  
29 maximum levy shall include amounts paid to a municipal county for county  
30 services, amounts levied to pay for sums to support a library pursuant to  
31 section 51-201, a museum pursuant to section 51-501, a visiting community  
1 nurse, home health nurse, or home health agency pursuant to section  
2 71-1637, or a statue, memorial, or monument pursuant to section 80-202.

3 (7) Sanitary and improvement districts which have been in existence  
4 for more than five years may levy a maximum levy of forty cents per one  
5 hundred dollars of taxable valuation of property subject to the levy, and  
6 sanitary and improvement districts which have been in existence for five  
7 years or less shall not have a maximum levy. Unconsolidated sanitary and  
8 improvement districts which have been in existence for more than five  
9 years and are located in a municipal county may levy a maximum of eighty-  
10 five cents per hundred dollars of taxable valuation of property subject  
11 to the levy.

12 (8) Counties may levy or authorize a maximum levy of fifty cents per  
13 one hundred dollars of taxable valuation of property subject to the levy,

14 except that five cents per one hundred dollars of taxable valuation of  
15 property subject to the levy may only be levied to provide financing for  
16 the county's share of revenue required under an agreement or agreements  
17 executed pursuant to the Interlocal Cooperation Act or the Joint Public  
18 Agency Act. The maximum levy shall include amounts levied to pay for sums  
19 to support a library pursuant to section 51-201 or museum pursuant to  
20 section 51-501. The county may allocate up to fifteen cents of its  
21 authority to other political subdivisions subject to allocation of  
22 property tax authority under subsection (1) of section 77-3443 and not  
23 specifically covered in this section to levy taxes as authorized by law  
24 which do not collectively exceed fifteen cents per one hundred dollars of  
25 taxable valuation on any parcel or item of taxable property. The county  
26 may allocate to one or more other political subdivisions subject to  
27 allocation of property tax authority by the county under subsection (1)  
28 of section 77-3443 some or all of the county's five cents per one hundred  
29 dollars of valuation authorized for support of an agreement or agreements  
30 to be levied by the political subdivision for the purpose of supporting  
31 that political subdivision's share of revenue required under an agreement  
1 or agreements executed pursuant to the Interlocal Cooperation Act or the  
2 Joint Public Agency Act. If an allocation by a county would cause another  
3 county to exceed its levy authority under this section, the second county  
4 may exceed the levy authority in order to levy the amount allocated.  
5 (9) Municipal counties may levy or authorize a maximum levy of one  
6 dollar per one hundred dollars of taxable valuation of property subject  
7 to the levy. The municipal county may allocate levy authority to any  
8 political subdivision or entity subject to allocation under section  
9 77-3443.

10 (10) Beginning July 1, 2016, rural and suburban fire protection  
11 districts may levy a maximum levy of ten and one-half cents per one  
12 hundred dollars of taxable valuation of property subject to the levy if  
13 (a) such district is located in a county that had a levy pursuant to  
14 subsection (8) of this section in the previous year of at least forty  
15 cents per one hundred dollars of taxable valuation of property subject to  
16 the levy or (b) for any rural or suburban fire protection district that  
17 had a levy request pursuant to section 77-3443 in the previous year, the  
18 county board of the county in which the greatest portion of the valuation  
19 of such district is located did not authorize any levy authority to such  
20 district in the previous year.

21 (11) Property tax levies (a) for judgments, except judgments or  
22 orders from the Commission of Industrial Relations, obtained against a  
23 political subdivision which require or obligate a political subdivision  
24 to pay such judgment, to the extent such judgment is not paid by  
25 liability insurance coverage of a political subdivision, (b) for  
26 preexisting lease-purchase contracts approved prior to July 1, 1998, (c)  
27 for bonds as defined in section 10-134 approved according to law and  
28 secured by a levy on property except as provided in section 44-4317 for  
29 bonded indebtedness issued by educational service units and school  
30 districts, and (d) for payments by a public airport to retire interest-  
31 free loans from the Department of Aeronautics in lieu of bonded

1 indebtedness at a lower cost to the public airport are not included in  
2 the levy limits established by this section.

3 (12) The limitations on tax levies provided in this section are to  
4 include all other general or special levies provided by law.

5 Notwithstanding other provisions of law, the only exceptions to the  
6 limits in this section are those provided by or authorized by sections  
7 77-3442 to 77-3444.

8 (13) Tax levies in excess of the limitations in this section shall  
9 be considered unauthorized levies under section 77-1606 unless approved  
10 under section 77-3444.

11 (14) For purposes of sections 77-3442 to 77-3444, political  
12 subdivision means a political subdivision of this state and a county  
13 agricultural society.

14 (15) For school districts that file a binding resolution on or  
15 before May 9, 2008, with the county assessors, county clerks, and county  
16 treasurers for all counties in which the school district has territory  
17 pursuant to subsection (7) of section 79-458, if the combined levies,  
18 except levies for bonded indebtedness approved by the voters of the  
19 school district and levies for the refinancing of such bonded  
20 indebtedness, are in excess of the greater of (a) one dollar and twenty  
21 cents per one hundred dollars of taxable valuation of property subject to  
22 the levy or (b) the maximum levy authorized by a vote pursuant to section  
23 77-3444, all school district levies, except levies for bonded  
24 indebtedness approved by the voters of the school district and levies for  
25 the refinancing of such bonded indebtedness, shall be considered  
26 unauthorized levies under section 77-1606.

27 Sec. 3. Section 79-1001, Revised Statutes Cumulative Supplement,  
28 2016, is amended to read:

29 79-1001 Sections 79-1001 to 79-1033 shall be known and may be cited  
30 as the Tax Equity and Educational Opportunities Support Act. The act  
31 shall terminate on January 1, 2020.

1 2. Renumber the remaining sections and amend the repealer  
2 accordingly.

Senator Linehan filed the following amendment to LB327:  
AM1150

(Amendments to Standing Committee amendments, AM590)

1 1. Insert the following new sections:

2 Section 1. Section 79-966, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4 79-966 (1)(a) On the basis of all data in the possession of the  
5 retirement board, including such mortality and other tables as are  
6 recommended by the actuary engaged by the retirement board and adopted by  
7 the retirement board, the retirement board shall annually, on or before  
8 July 1, determine the state deposit to be made by the state in the School  
9 Retirement Fund for that fiscal year. The amount of such state deposit  
10 shall be determined pursuant to section 79-966.01. The retirement board  
11 shall thereupon certify the amount of such state deposit, and on the  
12 warrant of the Director of Administrative Services, the State Treasurer

13 shall, as of July 1 of such year, transfer from funds appropriated by the  
14 state for that purpose to the School Retirement Fund the amount of such  
15 state deposit.

16 (b) Beginning July 1, 2016, the contingent state deposit described  
17 in this subsection shall be calculated as a percent of compensation of  
18 all members of the retirement system. For any year in which a deposit is  
19 made to the School Retirement Fund under this subsection, if the actuary  
20 for a retirement system provided for under the Class V School Employees  
21 Retirement Act determines that the actuarially required contribution  
22 rate, for the fiscal year of the retirement system that begins before the  
23 state deposit, exceeds the rate of all contributions required pursuant to  
24 the Class V School Employees Retirement Act, using the thirty-year  
25 amortization period specified in section 79-966.01, the Class V district  
26 school board may request a public hearing of the Appropriations Committee  
1 of the Legislature to ask the state to transfer to the funds of the  
2 retirement system provided for under the Class V School Employees  
3 Retirement Act an amount determined by multiplying the compensation of  
4 all members of such retirement system by the lesser of the percent of  
5 compensation deposited into the School Retirement Fund under this  
6 subsection or the percent of compensation of the members of the  
7 retirement system provided for under the Class V School Employees  
8 Retirement Act needed to meet the actuarially required contribution rate  
9 for such system, using the thirty-year amortization period specified in  
10 section 79-966.01. Any additional amount of transfer so calculated,  
11 recommended by the Appropriations Committee of the Legislature and  
12 approved by the Legislature, shall be added to the one ~~two~~ percent  
13 specified in subsection (2) of this section for the amount required by  
14 subsection (2) of section 79-916 to be transferred to the funds of the  
15 retirement system provided for under the Class V School Employees  
16 Retirement Act.

17 (2) For each fiscal year beginning July 1, 2014, in addition to the  
18 state deposits required by subsections (1) and (3) of this section, the  
19 state shall deposit in the School Retirement Fund an amount equal to one  
20 ~~two~~ percent of the compensation of all members of the retirement system.

21 (3) In addition to the state deposits required by subsections (1)  
22 and (2) of this section, beginning on July 1, 2005, and each fiscal year  
23 thereafter for employees who become members prior to July 1, 2016, the  
24 state shall deposit in the Service Annuity Fund such amounts as may be  
25 necessary to pay the normal cost and amortize the unfunded actuarial  
26 accrued liability of the service annuity benefit established pursuant to  
27 sections 79-933 and 79-952 as accrued through the end of the previous  
28 fiscal year of the school employees who are members of the retirement  
29 system established pursuant to the Class V School Employees Retirement  
30 Act.

31 Sec. 276. Original section 79-966, Revised Statutes Cumulative  
1 Supplement, 2016, is repealed.

2.2. On page 30, strike lines 7 and 8 and insert:

3 "CASH FUND 246,467,938 246,650,000

4 PROGRAM TOTAL 246,467,938 246,650,000"; in line 10 strike

5 "\$224,000,000" and insert "\$246,467,938"; and in line 12 strike  
6 "\$224,000,000" and insert "\$246,650,000".  
7 3. On page 117, strike lines 22 and 23 and insert:  
8 "GENERAL FUND 26,120,662 29,529,000  
9 PROGRAM TOTAL 26,120,662 29,529,000"; in line 25 strike  
10 "\$38,039,347" and insert "\$19,019,673"; and in line 28 strike  
11 "\$38,300,000" and insert "\$19,150,000".  
12 4. On page 118, line 2, strike "\$7,888,981" and insert "\$4,440,716";  
13 and in line 5 strike "\$8,000,000" and insert "\$4,500,000".  
14 5. Renumber the remaining sections and correct internal references  
15 accordingly.

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Kolterman name added to LB117.  
Senator Krist name added to LB389.

#### **VISITORS**

Visitors to the Chamber were Kristen, Rob, and Kay McTaggart and Stacy and Craig Mielke from Omaha; Jonas and Andrea Kessler from Lincoln; 14 third- and fourth-grade students from St. Paul's Lutheran School, Arlington; and 18 third- and fourth-grade students from Zion Lutheran School, Pierce.

#### **ADJOURNMENT**

At 5:11 p.m., on a motion by Senator Clements, the Legislature adjourned until 9:00 a.m., Tuesday, April 25, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**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  
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



**SEVENTY-SECOND DAY - APRIL 26, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****SEVENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 26, 2017

**PRAYER**

The prayer was offered by Pastor Mike Wing, Grace Community Bible Church, North Platte.

**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, Hilgers, Kuehn, Larson, McCollister, Vargas, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-first day was approved.

**AMENDMENT(S) - Print in Journal**

Senator Harr filed the following amendment to LB512:  
AM1204

(Amendments to Final Reading copy)

- 1 1. Strike sections 6 and 14.
- 2 2. Renumber the remaining sections, amend the repealer, and correct
- 3 internal references accordingly.

**MOTION(S) - Print in Journal**

Senator Morfeld filed the following motion to LB311:  
MO104  
Place on General File pursuant to Rule 3, Section 20(b).

Senator Morfeld filed the following motion to LB441:  
MO105  
Place on General File pursuant to Rule 3, Section 20(b).

**SELECT FILE**

**LEGISLATIVE BILL 234.** Considered.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 255.** ER65, found on page 1139, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 255A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 455.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 645.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 430.** ER64, found on page 1139, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 558.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 315.** ER68, found on page 1142, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 159.** ER69, found on page 1142, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 138.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 142.** ER70, found on page 1142, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 20.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 63.** Senator Scheer offered his amendment, AM1185, found on page 1214.



The Scheer amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 154.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 176.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 383.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 231.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 239.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 306.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 241.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 519.** Senator Hansen offered his amendment, AM1187, found on page 1214.

The Hansen amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 464.** ER72, found on page 1178, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 264.** Advanced to Enrollment and Review for Engrossment.

#### **GENERAL FILE**

**LEGISLATIVE BILL 333.** Title read. Considered.

Committee AM1022, found on page 1043, was offered.

Senator Riepe asked unanimous consent to withdraw his amendment, AM1195, found on page 1215, and replace it with his substitute amendment, AM1209, to the committee amendment.

AM1209

(Amendments to Standing Committee amendments, AM1022)

1 1. Strike sections 1, 10, and 15 and insert the following new

2 sections:

3 Section 1. Section 68-104, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 68-104 The Department of Health and Human Services shall be the  
6 overseer of the poor and shall be vested with the entire and exclusive  
7 superintendence of the poor in this state, except that the county board  
8 of each county shall furnish such medical service as may be required for  
9 the poor of the county who are not eligible for other medical assistance  
10 programs and general assistance for the poor of the county. Any person  
11 who is or becomes ineligible for other medical assistance programs due to  
12 his or her own actions or inactions shall also be ineligible for medical  
13 services from the county.

14 The county board of each county shall administer the medical  
15 assistance provided pursuant to this section. A county board may enter  
16 into an agreement with the Department of Health and Human Services which  
17 allows the department to aid in the administration of such medical  
18 assistance program. In providing medical and hospital care for the poor,  
19 the county board shall make use of any existing facilities, including  
20 tax-supported hospitals and charitable clinics so far as the same may be  
21 available, and shall use the financial eligibility criteria established  
22 for the standard of need developed by the county pursuant to section  
23 68-126.

24 A county board may transfer funds designated for public assistance  
25 to the Department of Health and Human Services for purposes of payments  
26 to providers who serve eligible recipients of medical assistance or low-  
1 income uninsured persons and meet federal and state disproportionate-  
2 share payment requirements pursuant to subdivision (2)(c) of section  
3 68-910.

4 Effective July 1, 2017, nothing in this section shall mandate that a  
5 county board furnish medical assistance or general assistance to any  
6 person due to the termination of the State Disability Program.

7 Sec. 2. Section 68-915, Revised Statutes Cumulative Supplement,

8 2016, is amended to read:

9 68-915 The following persons shall be eligible for medical  
10 assistance:

11 (1) Dependent children as defined in section 43-504;

12 (2) Aged, blind, and disabled persons as defined in sections 68-1002  
13 to ~~68-1004~~ ~~68-1005~~;

14 (3) Children under nineteen years of age who are eligible under  
15 section 1905(a)(i) of the federal Social Security Act;

16 (4) Persons who are presumptively eligible as allowed under sections  
17 1920 and 1920B of the federal Social Security Act;

18 (5) Children under nineteen years of age with a family income equal

19 to or less than two hundred percent of the Office of Management and  
20 Budget income poverty guideline, as allowed under Title XIX and Title XXI  
21 of the federal Social Security Act, without regard to resources, and  
22 pregnant women with a family income equal to or less than one hundred  
23 eighty-five percent of the Office of Management and Budget income poverty  
24 guideline, as allowed under Title XIX and Title XXI of the federal Social  
25 Security Act, without regard to resources. Children described in this  
26 subdivision and subdivision (6) of this section shall remain eligible for  
27 six consecutive months from the date of initial eligibility prior to  
28 redetermination of eligibility. The department may review eligibility  
29 monthly thereafter pursuant to rules and regulations adopted and  
30 promulgated by the department. The department may determine upon such  
31 review that a child is ineligible for medical assistance if such child no  
1 longer meets eligibility standards established by the department;

2 (6) For purposes of Title XIX of the federal Social Security Act as  
3 provided in subdivision (5) of this section, children with a family  
4 income as follows:

5 (a) Equal to or less than one hundred fifty percent of the Office of  
6 Management and Budget income poverty guideline with eligible children one  
7 year of age or younger;

8 (b) Equal to or less than one hundred thirty-three percent of the  
9 Office of Management and Budget income poverty guideline with eligible  
10 children over one year of age and under six years of age; or

11 (c) Equal to or less than one hundred percent of the Office of  
12 Management and Budget income poverty guideline with eligible children six  
13 years of age or older and less than nineteen years of age;

14 (7) Persons who are medically needy caretaker relatives as allowed  
15 under 42 U.S.C. 1396d(a)(ii);

16 (8) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii), disabled persons  
17 as defined in section 68-1005 with a family income of less than two  
18 hundred fifty percent of the Office of Management and Budget income  
19 poverty guideline and who, but for earnings in excess of the limit  
20 established under 42 U.S.C. 1396d(q)(2)(B), would be considered to be  
21 receiving federal Supplemental Security Income. The department shall  
22 apply for a waiver to disregard any unearned income that is contingent  
23 upon a trial work period in applying the Supplemental Security Income  
24 standard. Such disabled persons shall be subject to payment of premiums  
25 as a percentage of family income beginning at not less than two hundred  
26 percent of the Office of Management and Budget income poverty guideline.  
27 Such premiums shall be graduated based on family income and shall not be  
28 less than two percent or more than ten percent of family income;

29 (9) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii), persons who:

30 (a) Have been screened for breast and cervical cancer under the  
31 Centers for Disease Control and Prevention breast and cervical cancer  
1 early detection program established under Title XV of the federal Public  
2 Health Service Act, 42 U.S.C. 300k et seq., in accordance with the  
3 requirements of section 1504 of such act, 42 U.S.C. 300n, and who need  
4 treatment for breast or cervical cancer, including precancerous and  
5 cancerous conditions of the breast or cervix;

6 (b) Are not otherwise covered under creditable coverage as defined  
7 in section 2701(c) of the federal Public Health Service Act, 42 U.S.C.  
8 300gg(c);  
9 (c) Have not attained sixty-five years of age; and  
10 (d) Are not eligible for medical assistance under any mandatory  
11 categorically needy eligibility group; and  
12 (10) Persons eligible for services described in subsection (3) of  
13 section 68-972.  
14 Except as provided in section 68-972, eligibility shall be  
15 determined under this section using an income budgetary methodology that  
16 determines children's eligibility at no greater than two hundred percent  
17 of the Office of Management and Budget income poverty guideline and adult  
18 eligibility using adult income standards no greater than the applicable  
19 categorical eligibility standards established pursuant to state or  
20 federal law. The department shall determine eligibility under this  
21 section pursuant to such income budgetary methodology and subdivision (1)  
22 (q) of section 68-1713.  
23 Sec. 11. Sections 1, 2, 15, and 17 of this act become operative on  
24 July 1, 2017. Sections 7, 12, and 16 of this act become operative on  
25 October 1, 2017. Sections 8 and 13 of this act become operative three  
26 calendar months after the adjournment of this legislative session. The  
27 other sections of this act become operative on their effective date.  
28 Sec. 15. Original section 68-104, Reissue Revised Statutes of  
29 Nebraska, and section 68-915, Revised Statutes Cumulative Supplement,  
30 2016, are repealed.  
31 Sec. 17. The following sections are outright repealed: Sections  
1 68-1005 and 71-1113, Reissue Revised Statutes of Nebraska.  
2 2. On page 7, strike beginning with "Beginning" in line 22 through  
3 line 26 and show the old matter as stricken.  
4 3. On page 11, line 5, strike "sections 68-1005 and" and insert  
5 "section"; and in line 6 strike "are" and insert "is".  
6 4. Renumber the remaining sections and correct internal references  
7 accordingly.

Senator Krist objected.

Senator Riepe offered the following motion:

MO107

Withdraw amendment, AM1195, found on page 1215, and replace it with  
substitute amendment, AM1209, found in this day's Journal, to the  
committee amendment.

### **SPEAKER SCHEER PRESIDING**

### **PRESIDENT FOLEY PRESIDING**

Senator Riepe moved the previous question. The question is, "Shall the  
debate now close?"

Senator Riepe moved for a call of the house. The motion prevailed with 20  
eyes, 0 nays, and 29 not voting.

Senator Riepe requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 19:

Brasch	Erdman	Halloran	Larson	Riepe
Brewer	Friesen	Hilgers	Linehan	Smith
Briese	Geist	Hughes	Lowe	Watermeier
Clements	Groene	Kuehn	Murante	

Voting in the negative, 24:

Albrecht	Crawford	Kolowski	Morfeld	Walz
Blood	Ebke	Kolterman	Pansing Brooks	Wayne
Bolz	Harr	Krist	Quick	Williams
Bostelman	Hilkemann	McCollister	Schumacher	Wishart
Chambers	Howard	McDonnell	Vargas	

Present and not voting, 2:

Hansen          Lindstrom

Absent and not voting, 1:

Baker

Excused and not voting, 3:

Craighead      Scheer          Stinner

The motion to cease debate failed with 19 ayes, 24 nays, 2 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 328.** Placed on Select File.

**LEGISLATIVE BILL 329.** Placed on Select File.

**LEGISLATIVE BILL 330.** Placed on Select File with amendment.

ER81

1 1. In the Standing Committee amendments, AM593, renumber sections 2 27, 28, and 29 as sections 28, 29, and 27, respectively.

**LEGISLATIVE BILL 451.** Placed on Select File with amendment.

ER80 is available in the Bill Room.

(Signed) Anna Wishart, Chairperson

**MOTION(S) - Print in Journal**

Senator Kolowski filed the following motion to LB484:  
MO106  
Place on General File pursuant to Rule 3, Section 20(b).

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 259A.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 259, One Hundred Fifth Legislature, First Session, 2017.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Hansen name added to LB441.

**VISITORS**

Visitors to the Chamber were 13 students and teacher as part of Junior Statesmen of America from Norfolk High School; and 110 fourth-grade students from Palisades Elementary, Omaha.

**RECESS**

At 12:00 p.m., on a motion by Senator Erdman, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Groene, Larson, Morfeld, Walz, and Watermeier who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 327.** Senator Friesen renewed his amendment, AM1155, found on page 1196 and considered on page 1220, to the committee amendment.

Senator Hansen moved the previous question. The question is, "Shall the debate now close?"

Senator Stinner moved for a call of the house. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The motion to cease debate prevailed with 25 ayes, 9 nays, and 15 present and not voting.

Senator Friesen requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Albrecht	Briese	Geist	Hughes	Lowe
Bostelman	Clements	Groene	Kuehn	Murante
Brasch	Erdman	Halloran	Larson	Smith
Brewer	Friesen	Hilgers	Linehan	Watermeier

Voting in the negative, 27:

Baker	Hansen	Krist	Quick	Walz
Blood	Harr	Lindstrom	Riepe	Wayne
Bolz	Hilkemann	McCollister	Scheer	Williams
Chambers	Howard	McDonnell	Schumacher	
Craighead	Kolowski	Morfeld	Stinner	
Crawford	Kolterman	Pansing Brooks	Vargas	

Present and not voting, 2:

Ebke	Wishart
------	---------

The Friesen amendment lost with 20 ayes, 27 nays, and 2 present and not voting.

The Chair declared the call raised.

Senator Linehan offered her amendment, AM1150, found on page 1204, to the committee amendment.

Senator Linehan withdrew her amendment.

Senator Schumacher offered his amendment, AM1198, found on page 1220, to the committee amendment.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 223.** Placed on Final Reading.**LEGISLATIVE BILL 253.** Placed on Final Reading.**LEGISLATIVE BILL 259.** Placed on Final Reading.**LEGISLATIVE BILL 300.** Placed on Final Reading.

ST21

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Krist amendment, AM 946, on page 1, line 1, "and all amendments thereto" has been inserted after "sections".

2. In the E & R amendments, ER 52, on page 1, the matter beginning with the semicolon in line 1 through the last quotation mark in line 2 has been struck.

(Signed) Anna Wishart, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

April 26, 2017

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 195 and 506 were received in my office on April 24, 2017.

These bills were signed and delivered to the Secretary of State on April 26, 2017.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**GENERAL FILE**

**LEGISLATIVE BILL 327.** Senator Chambers offered the following motion:

MO108

Recommit to the Appropriations Committee.

Senator Chambers withdrew his motion to recommit to committee.

The Schumacher amendment, AM1198, found on page 1220 and considered in this day's Journal, to the committee amendment, was renewed.



Senator Chambers offered the following motion:

MO109

Bracket until June 2, 2017.

Senator Chambers withdrew his motion to bracket.

Senator Groene moved the previous question. The question is, "Shall the debate now close?"

Senator Hilgers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Groene requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 40:

Baker	Crawford	Harr	Lindstrom	Schumacher
Bolz	Ebke	Hilgers	Linehan	Smith
Brasch	Erdman	Hilkemann	Lowe	Stinner
Brewer	Friesen	Hughes	McCollister	Vargas
Briese	Geist	Kolowski	McDonnell	Walz
Chambers	Groene	Kolterman	Murante	Watermeier
Clements	Halloran	Krist	Riepe	Wayne
Craighead	Hansen	Kuehn	Scheer	Williams

Voting in the negative, 5:

Albrecht	Blood	Pansing Brooks	Quick	Wishart
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Present and not voting, 3:

Bostelman	Howard	Morfeld
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Excused and not voting, 1:

Larson

The motion to cease debate prevailed with 40 ayes, 5 nays, 3 present and not voting, and 1 excused and not voting.

Senator Schumacher requested a roll call vote, in reverse order, on his amendment, AM1198.

Voting in the affirmative, 17:

Baker	Harr	McCollister	Schumacher	Wishart
Blood	Howard	Morfeld	Vargas	
Crawford	Kolowski	Pansing Brooks	Walz	
Hansen	Krist	Quick	Wayne	

Voting in the negative, 19:

Albrecht	Briese	Halloran	Lindstrom	Riepe
Bostelman	Clements	Hilgers	Linehan	Smith
Brasch	Erdman	Hughes	Lowe	Watermeier
Brewer	Geist	Kuehn	Murante	

Present and not voting, 12:

Bolz	Ebke	Hilkemann	Scheer
Chambers	Friesen	Kolterman	Stinner
Craighead	Groene	McDonnell	Williams

Excused and not voting, 1:

Larson

The Schumacher amendment lost with 17 ayes, 19 nays, 12 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 149.** Placed on Select File with amendment.

ER82

1 1. In the Standing Committee amendments, AM 962:  
 2 a. On page 2, strike beginning with the comma in line 8 through  
 3 "act" in line 9; and  
 4 b. On page 19, line 20, strike the semicolon and insert a comma.  
 5 2. On page 1, strike lines 2 and 3 and insert "sections 11 and 202,  
 6 as amended by sections 17 and 92, respectively, Legislative Bill 22, One  
 7 Hundred Fifth Legislature, First Session, 2017; Laws 2016, LB956, section  
 8 66; Laws 2016, LB746A, section 3, as amended by section 124, Legislative  
 9 Bill 22, One Hundred Fifth Legislature, First Session, 2017; and Laws  
 10 2016, LB956, sections 41, 42, 45, and 49, as amended by sections 128,  
 11 129, 132, and 136, respectively, Legislative Bill 22, One Hundred Fifth  
 12 Legislature, First Session, 2017; to adopt definitions; to provide,  
 13 change, and eliminate provisions relating to appropriations and transfers  
 14 of funds; to reduce appropriations; to repeal the original sections; and  
 15 to declare an emergency."

(Signed) Anna Wishart, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 327.** Senator Chambers offered the following motion:

MO110

Reconsider the vote taken on AM1198.

Pending.

**AMENDMENT(S) - Print in Journal**

Senator Baker filed the following amendment to LB415:

AM1211

(Amendments to Standing Committee amendments, AM923)

- 1 1. On page 74, line 21, strike "and", show as stricken, and in line
- 2 23 strike "and (c)" and insert "(c), and (d)".
- 3 2. On page 75, line 4, after "(ii)" insert "except as provided in
- 4 subdivision (c) of this subdivision"; in line 5 strike "thirty-six" and
- 5 insert "twenty-four"; after line 13 insert the following new subdivision:
- 6 "(c) If a member accepts an early retirement inducement, the member
- 7 may provide voluntary service one hundred eighty days after ceasing
- 8 employment"; in line 14 strike "(c)" and insert "(d)"; in line 19 strike
- 9 "(d)" and insert "(e)"; and in line 22 strike the period and insert ";
- 10 and
- 11 (46) Voluntary service or volunteer means providing bona fide unpaid
- 12 service to any employer".
- 13 3. On page 99, line 19, strike "and (c)" and insert "(c), and
- 14 (d)"; in line 30 after "(ii)" insert "except as provided in subdivision
- 15 (c) of this subdivision"; and in line 31 strike "thirty-six" and insert
- 16 "twenty-four".
- 17 4. On page 100, after line 1 insert the following new subdivision:
- 18 "(c) If a member accepts an early retirement inducement, the member
- 19 may provide voluntary service one hundred eighty days after ceasing
- 20 employment"; in line 2 strike "(c)" and insert "(d)"; in line 6 strike
- 21 "and"; in line 7 strike "(d)" and insert "(e)"; in line 10 strike "and";
- 22 and in line 11 strike the period, show as stricken, and insert "; and
- 23 (36) Voluntary service or volunteer means providing bona fide unpaid
- 24 service to an employer".

Senator Harr filed the following amendment to LB492:

AM1218

(Amendments to Standing Committee amendments, AM310)

- 1 1. Insert the following new sections:
- 2 Sec. 10. Section 37-1278, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 37-1278 (1) Application for a certificate of title shall be
- 5 presented to the county treasurer, shall be made upon a form prescribed
- 6 by the Department of Motor Vehicles, and shall be accompanied by the fee
- 7 prescribed in section 37-1287. The owner of a motorboat for which a

8 certificate of title is required shall obtain a certificate of title  
9 prior to registration required under section 37-1214. The buyer of  
10 property sold pursuant to section 7 of this act shall present  
11 documentation that such sale was completed in compliance with such  
12 section.

13 (2)(a) If a certificate of title has previously been issued for the  
14 motorboat in this state, the application for a new certificate of title  
15 shall be accompanied by the certificate of title duly assigned. If a  
16 certificate of title has not previously been issued for the motorboat in  
17 this state, the application shall be accompanied by a certificate of  
18 number from this state, a manufacturer's or importer's certificate, a  
19 duly certified copy thereof, proof of purchase from a governmental agency  
20 or political subdivision, a certificate of title from another state, or a  
21 court order issued by a court of record, a manufacturer's certificate of  
22 origin, or an assigned registration certificate, if the motorboat was  
23 brought into this state from a state which does not have a certificate of  
24 title law. The county treasurer shall retain the evidence of title  
25 presented by the applicant on which the certificate of title is issued.  
26 When the evidence of title presented by the applicant is a certificate of  
1 title or an assigned registration certificate issued by another state,  
2 the department shall notify the state of prior issuance that the  
3 certificate has been surrendered. If a certificate of title has not  
4 previously been issued for the motorboat in this state and the applicant  
5 is unable to provide such documentation, the applicant may apply for a  
6 bonded certificate of title as prescribed in section 37-1278.01.

7 (b) This subdivision applies beginning on an implementation date  
8 designated by the Director of Motor Vehicles. The director shall  
9 designate an implementation date which is on or before January 1, 2020.  
10 In addition to the information required under subdivision (2)(a) of this  
11 section, the application for a certificate of title shall contain (i) the  
12 full legal name as defined in section 60-468.01 of each owner and (ii)(A)  
13 the motor vehicle operator's license number or state identification card  
14 number of each owner, if applicable, and one or more of the  
15 identification elements as listed in section 60-484 of each owner, if  
16 applicable, and (B) if any owner is a business entity, a nonprofit  
17 organization, an estate, a trust, or a church-controlled organization,  
18 its tax identification number.

19 (3) The county treasurer shall use reasonable diligence in  
20 ascertaining whether or not the statements in the application for a  
21 certificate of title are true by checking the application and documents  
22 accompanying the same with the records of motorboats in his or her  
23 office. If he or she is satisfied that the applicant is the owner of the  
24 motorboat and that the application is in the proper form, the county  
25 treasurer shall issue a certificate of title over his or her signature  
26 and sealed with his or her seal.

27 (4) In the case of the sale of a motorboat, the certificate of title  
28 shall be obtained in the name of the purchaser upon application signed by  
29 the purchaser, except that for titles to be held by husband and wife,  
30 applications may be accepted by the county treasurer upon the signature

31 of either spouse as a signature for himself or herself and as an agent  
1 for his or her spouse.

2 (5) In all cases of transfers of motorboats, the application for a  
3 certificate of title shall be filed within thirty days after the delivery  
4 of the motorboat. A dealer need not apply for a certificate of title for  
5 a motorboat in stock or acquired for stock purposes, but upon transfer of  
6 a motorboat in stock or acquired for stock purposes, the dealer shall  
7 give the transferee a reassignment of the certificate of title on the  
8 motorboat or an assignment of a manufacturer's or importer's certificate.  
9 If all reassignments printed on the certificate of title have been used,  
10 the dealer shall obtain title in his or her name prior to any subsequent  
11 transfer.

12 Sec. 11. Section 37-1283, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 37-1283 (1) In the event of the transfer of ownership of a motorboat  
15 by operation of law as upon inheritance, devise, or bequest, order in  
16 bankruptcy, insolvency, replevin, or execution sale, (2) whenever a  
17 motorboat is sold to satisfy storage or repair charges or under section 7  
18 of this act, or (3) whenever repossession is had upon default in  
19 performance of the terms of a chattel mortgage, trust receipt,  
20 conditional sales contract, or other like agreement, the county treasurer  
21 of any county or the Department of Motor Vehicles, upon the surrender of  
22 the prior certificate of title or the manufacturer's or importer's  
23 certificate, or when that is not possible, upon presentation of  
24 satisfactory proof of ownership and right of possession to the motorboat,  
25 and upon payment of the fee prescribed in section 37-1287 and the  
26 presentation of an application for certificate of title, may issue to the  
27 applicant a certificate of title thereto. If the prior certificate of  
28 title issued for the motorboat provided for joint ownership with right of  
29 survivorship, a new certificate of title shall be issued to a subsequent  
30 purchaser upon the assignment of the prior certificate of title by the  
31 surviving owner and presentation of satisfactory proof of death of the  
1 deceased owner. Only an affidavit by the person or agent of the person to  
2 whom possession of the motorboat has so passed, setting forth facts  
3 entitling him or her to such possession and ownership, together with a  
4 copy of the journal entry, court order, or instrument upon which such  
5 claim of possession and ownership is founded shall be considered  
6 satisfactory proof of ownership and right of possession, except that if  
7 the applicant cannot produce such proof of ownership, he or she may  
8 submit to the department such evidence as he or she may have and the  
9 department may thereupon, if it finds the evidence sufficient, issue the  
10 certificate of title or authorize any county treasurer to issue a  
11 certificate of title, as the case may be. If from the records of the  
12 county treasurer or the department there appear to be any liens on the  
13 motorboat, the certificate of title shall comply with section 37-1282  
14 regarding the liens unless the application is accompanied by proper  
15 evidence of their satisfaction or extinction.

16 Sec. 12. Section 60-149, Revised Statutes Cumulative Supplement,  
17 2016, is amended to read:

18 60-149 (1)(a) If a certificate of title has previously been issued  
 19 for a vehicle in this state, the application for a new certificate of  
 20 title shall be accompanied by the certificate of title duly assigned  
 21 except as otherwise provided in the Motor Vehicle Certificate of Title  
 22 Act.

23 (b) Except for manufactured homes or mobile homes as provided in  
 24 subsection (2) of this section, if a certificate of title has not  
 25 previously been issued for the vehicle in this state or if a certificate  
 26 of title is unavailable pursuant to subsection (4) of section 52-1801,  
 27 the application shall be accompanied by:

28 (i) A manufacturer's or importer's certificate except as otherwise  
 29 provided in subdivision (vii) of this subdivision;

30 (ii) A duly certified copy of the manufacturer's or importer's  
 31 certificate;

1 (iii) An affidavit by the owner affirming ownership in the case of  
 2 an all-terrain vehicle, a utility-type vehicle, or a minibike;

3 (iv) A certificate of title from another state;

4 (v) A court order issued by a court of record, a manufacturer's  
 5 certificate of origin, or an assigned registration certificate, if the  
 6 law of the state from which the vehicle was brought into this state does  
 7 not have a certificate of title law;

8 (vi) Documentation prescribed in section 60-142.01, 60-142.02,  
 9 60-142.04, or 60-142.05 or documentation of compliance with section 7 of  
 10 this act; or

11 (vii) A manufacturer's or importer's certificate and an affidavit by  
 12 the owner affirming ownership in the case of a minitruck.

13 (c) If the application for a certificate of title in this state is  
 14 accompanied by a valid certificate of title issued by another state which  
 15 meets that state's requirements for transfer of ownership, then the  
 16 application may be accepted by this state.

17 (d) If a certificate of title has not previously been issued for the  
 18 vehicle in this state and the applicant is unable to provide such  
 19 documentation, the applicant may apply for a bonded certificate of title  
 20 as prescribed in section 60-167.

21 (2)(a) If the application for a certificate of title for a  
 22 manufactured home or a mobile home is being made in accordance with  
 23 subdivision (4)(b) of section 60-137 or if the certificate of title for a  
 24 manufactured home or a mobile home is unavailable pursuant to section  
 25 52-1801, the application shall be accompanied by proof of ownership in  
 26 the form of:

27 (i) A duly assigned manufacturer's or importer's certificate;

28 (ii) A certificate of title from another state;

29 (iii) A court order issued by a court of record;

30 (iv) Evidence of ownership as provided for in section 30-24,125,  
 31 52-601.01 to 52-605, 60-1901 to 60-1911, ~~or~~ 60-2401 to 60-2411, or  
 1 documentation of compliance with section 7 of this act; or

2 (v) Assessment records for the manufactured home or mobile home from  
 3 the county assessor and an affidavit by the owner affirming ownership.

4 (b) If the applicant cannot produce proof of ownership described in

5 subdivision (a) of this subsection, he or she may submit to the  
6 department such evidence as he or she may have, and the department may  
7 thereupon, if it finds the evidence sufficient, issue the certificate of  
8 title or authorize the county treasurer to issue a certificate of title,  
9 as the case may be.

10 (3) For purposes of this section, certificate of title includes a  
11 salvage certificate, a salvage branded certificate of title, or any other  
12 document of ownership issued by another state or jurisdiction for a  
13 salvage vehicle. Only a salvage branded certificate of title shall be  
14 issued to any vehicle conveyed upon a salvage certificate, a salvage  
15 branded certificate of title, or any other document of ownership issued  
16 by another state or jurisdiction for a salvage vehicle.

17 (4) The county treasurer shall retain the evidence of title  
18 presented by the applicant and on which the certificate of title is  
19 issued.

20 Sec. 13. Section 60-166, Revised Statutes Cumulative Supplement,  
21 2016, is amended to read:

22 60-166 (1) In the event of (a) the transfer of ownership of a  
23 vehicle by operation of law as upon inheritance, devise, or bequest,  
24 order in bankruptcy, insolvency, replevin, or execution sale or as  
25 provided in sections 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911,  
26 and 60-2401 to 60-2411, (b) the engine of a vehicle being replaced by  
27 another engine, (c) a vehicle being sold to satisfy storage or repair  
28 charges or under section 7 of this act, or (d) repossession being had  
29 upon default in performance of the terms of a chattel mortgage, trust  
30 receipt, conditional sales contract, or other like agreement, the county  
31 treasurer of any county or the department, upon the surrender of the  
1 prior certificate of title or the manufacturer's or importer's  
2 certificate, or when that is not possible, upon presentation of  
3 satisfactory proof of ownership and right of possession to such vehicle,  
4 and upon payment of the appropriate fee and the presentation of an  
5 application for certificate of title, may issue to the applicant a  
6 certificate of title thereto. If the prior certificate of title issued  
7 for such vehicle provided for joint ownership with right of survivorship,  
8 a new certificate of title shall be issued to a subsequent purchaser upon  
9 the assignment of the prior certificate of title by the surviving owner  
10 and presentation of satisfactory proof of death of the deceased owner.

11 Only an affidavit by the person or agent of the person to whom possession  
12 of such vehicle has so passed, setting forth facts entitling him or her  
13 to such possession and ownership, together with a copy of the journal  
14 entry, court order, or instrument upon which such claim of possession and  
15 ownership is founded, shall be considered satisfactory proof of ownership  
16 and right of possession, except that if the applicant cannot produce such  
17 proof of ownership, he or she may submit to the department such evidence  
18 as he or she may have, and the department may thereupon, if it finds the  
19 evidence sufficient, issue the certificate of title or authorize any  
20 county treasurer to issue a certificate of title, as the case may be.

21 (2) If from the records of the county treasurer or the department  
22 there appear to be any liens on such vehicle, such certificate of title

23 shall comply with section 60-164 or 60-165 regarding such liens unless  
 24 the application is accompanied by proper evidence of their satisfaction  
 25 or extinction.

26 Sec. 14. Original sections 37-1278 and 37-1283, Reissue Revised  
 27 Statutes of Nebraska, and sections 60-149 and 60-166, Revised Statutes  
 28 Cumulative Supplement, 2016, are repealed.

29 2. On page 5, line 31, after the period insert "If the property is a  
 30 vehicle, watercraft, or trailer, such sale shall extinguish any lien or  
 31 security interest in the property of any holder of such lien or security  
 1 interest to whom notice of the sale was sent in compliance with this  
 2 section.".

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 114.** Introduced by Judiciary Committee:  
 Ebke, 32, Chairperson; Baker, 30; Chambers, 11; Halloran, 33; Hansen, 26;  
 Krist, 10; Morfeld, 46; Pansing Brooks, 28.

PURPOSE: The purpose of this interim study is to examine Nebraska's statutes relating to geriatric or compassionate release laws. Most states and the federal government have legal procedures for prison inmates to be released, paroled, or furloughed in connection with advanced age or a serious illness. Many jurisdictions have increasingly larger numbers of older people in prisons, due in part to the effects of strict sentencing laws and the longer prison terms imposed. States now face the situation in which many sentenced to long-term prison sentences will reach old age and die in prison. For pragmatic or humane reasons, officials in many jurisdictions will release elderly inmates or inmates who have a serious illness.

Elderly inmates with a serious or terminal illness are a unique "special needs" population and require intensive health and social accommodation in prisons. Inmates often exhibit an accelerated aging process due to preincarceration high-risk health histories, such as smoking and substance abuse, and the often health-stressful conditions of incarceration. Accommodating such elderly or ill inmates involves varied social policy and economic considerations for state officials.

The issues addressed by this interim study shall include, but not be limited to:

- (1) A review of elderly or medically humane release provisions currently in statute;
- (2) A review of the types of crimes for which such release provisions are applicable;
- (3) A review of the process by which a release is sought by application to the Board of Parole as provided in section 83-1,110.02 and whether an amendment to such provision is warranted;
- (4) A review of the level of supervision or support of such inmates upon their release for medical or humane reasons;
- (5) A review of requirements to consider regarding the potential impact the release may have on the victims or others impacted by the inmate;



(6) A review of the factors for imposing sentences and whether courts should be required to consider if an inmate will reach an elderly age while serving such sentence in prison; and

(7) A review and examination of any potential consequences of implementing any statutory changes to the mandatory minimum laws either with respect to the penalty provisions, or with respect to amending the procedural statutes relating to the filing of charges carrying mandatory minimum sentences or the imposition of mandatory minimum sentences.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **VISITORS**

Visitors to the Chamber were 50 fourth-grade students from Woodland Park Elementary, Norfolk; and 23 fourth-grade students from Lyon Decatur Northeast School.

### **RECESS**

At 5:29 p.m., on a motion by Senator Walz, the Legislature recessed until 6:15 p.m.

### **AFTER RECESS**

The Legislature reconvened at 6:15 p.m., President Foley presiding.

### **ROLL CALL**

The roll was called and all members were present except Senators Larson and Murante who were excused until they arrive.

### **GENERAL FILE**

**LEGISLATIVE BILL 327.** The Chambers motion, MO110, found in this day's Journal, to reconsider the vote taken on AM1198, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

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

Voting in the affirmative, 17:

Baker	Ebke	Krist	Schumacher	Wishart
Blood	Hansen	McCollister	Vargas	
Chambers	Howard	Morfeld	Walz	
Crawford	Kolowski	Pansing Brooks	Wayne	

Voting in the negative, 29:

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

Present and not voting, 1:

Quick

Excused and not voting, 2:

Larson            Murante

The Chamber motion to reconsider failed with 17 ayes, 29 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO111

Bracket until June 2, 2017.

Senator Scheer offered the following motion:

MO112

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Senator Scheer requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 42:

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

Voting in the negative, 6:

Chambers	Howard	Quick
Hansen	Morfeld	Wayne

Excused and not voting, 1:

Larson

The Scheer motion to invoke cloture prevailed with 42 ayes, 6 nays, and 1 excused and not voting.

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

Voting in the affirmative, 2:

Chambers	Erdman
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Voting in the negative, 42:

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

Present and not voting, 4:

Krist	McCollister	Quick	Schumacher
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Excused and not voting, 1:

Larson

The Chambers motion to bracket failed with 2 ayes, 42 nays, 4 present and not voting, and 1 excused and not voting.

The committee amendment, AM590, was adopted with 46 ayes, 1 nay, 1 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	Clements	Harr	Lowe	Vargas
Baker	Craighead	Hilgers	McDonnell	Walz
Blood	Crawford	Hilkemann	Murante	Williams
Bolz	Ebke	Hughes	Pansing Brooks	Wishart
Bostelman	Erdman	Kolowski	Riepe	
Brasch	Geist	Kolterman	Scheer	
Brewer	Groene	Lindstrom	Smith	
Briese	Halloran	Linehan	Stinner	

Voting in the negative, 1:

Chambers

Present and not voting, 11:

Friesen	Krist	Morfeld	Watermeier
Hansen	Kuehn	Quick	Wayne
Howard	McCollister	Schumacher	

Excused and not voting, 1:

Larson

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.

#### **AMENDMENT(S) - Print in Journal**

Senator Pansing Brooks filed the following amendment to LB327:  
AM1222

(Amendments to Standing Committee amendments, AM590)

- 1 1. On page 54, lines 24 and 25, strike "up to".
- 2 2. On page 55, line 11, after the second comma insert "stand alone  
3 clinics,".

Senator Wayne filed the following amendment to LB327:  
AM1224

(Amendments to Standing Committee amendments, AM590)

- 1 1. On page 48, strike line 14 and insert:
- 2 "GENERAL FUND 168,884,529 168,884,529"; strike line 17 and insert:

3 "PROGRAM TOTAL 202,571,046 202,571,046"; and in lines 19 and 22  
4 strike "\$165,108,214" and insert "\$168,884,529".

Senator Chambers filed the following amendment to LB327:

FA70

Amend AM590

Page 55, line 11 after "(B)" insert "as it existed on April 20, 2017".

Senator Chambers filed the following amendment to LB327:

FA71

Amend AM590

Page 55, line 7 strike beginning with "To" through "the" and insert "The".

Senator Pansing Brooks filed the following amendment to LB327:

AM1231

(Amendments to Standing Committee amendments, AM590)

1 1. On page 54, lines 24 and 25, strike "up to".

2 2. On page 55, line 7, after the comma insert "as such regulations

3 existed on January 1, 2017,"; in line 9 after "Program" insert "as such

4 program existed on January 1, 2017,"; in line 10 after "entities" insert

5 "equally"; and in line 11 after the first comma insert "stand alone

6 clinics,".

### **VISITORS**

Visitors to the Chamber were Senator Linehan's daughter, son-in-law, and grandson, Shannon, Michael, and Zeke Seim from Lincoln.

The Doctor of the Day was Dr. Melanie Menning from Omaha.

### **ADJOURNMENT**

At 9:07 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Thursday, April 27, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-THIRD DAY - APRIL 27, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 27, 2017

**PRAYER**

The prayer was offered by Pastor Jason Dowell, Freedom Baptist Church, Stamford.

**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 Senator Wayne who was excused; and Senators Bolz, Kuehn, Murante, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-second day was approved.

**AMENDMENT(S) - Print in Journal**

Senator McDonnell filed the following amendment to LB578:  
AM1172

(Amendments to AM917)

- 1 1. On page 1, line 18, after "(3)" insert "Capitation payment means
- 2 the per-member per-month payment agreed upon between the Department of
- 3 Health and Human Services and a medicaid managed care plan.
- 4 (4)"; in line 22 strike "(4)" and insert "(5)"; and in line 26
- 5 strike "(5)" and insert "(6)".
- 6 2. On page 2, line 3, strike "(6)" and insert "(7)"; and in line 7
- 7 strike "(7)" and insert "(8)".

**NOTICE OF COMMITTEE HEARING(S)**

Agriculture

Room 2102

Tuesday, May 9, 2017 1:00 p.m.

Beth Smith - Nebraska State Fair Board

(Signed) Lydia Brasch, Chairperson

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 26, 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

Abboud, Chris - Public Affairs Group  
FanDuel, Inc.  
Bredenkamp, Troy  
Nebraska Rural Electric Association (Withdrawn 04/21/2017)

### 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 106, 107, and 108 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 106, 107, and 108.

### SELECT FILE

**LEGISLATIVE BILL 409.** ER60, found on page 1135, was adopted.

Senator Kolowski offered his amendment, AM1015, found on page 1142.

Pending.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 115.** Introduced by Brasch, 16; Albrecht, 17.

WHEREAS, Trevor Hasenkamp and Nick Svoboda read about the tragic fires in Kansas, Oklahoma, and Texas and responded by organizing help for the ranchers in need; and



WHEREAS, Bill Hasenkamp, Mark Dinslage, Robert Snyder, and Taron Hasenkamp joined the effort to deliver fencing materials and cattle feeding products to the ranchers near Ashland in southwest Kansas; and

WHEREAS, the farming community came together to donate two flatbeds of supplies and eight semis loaded with hay; and

WHEREAS, the young farmers are continuing to accept donations for ongoing expenses and plan to return to Kansas to provide more help.

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

1. That the Legislature honors Trevor Hasenkamp, Nick Svoboda, Bill Hasenkamp, Mark Dinslage, Robert Snyder, Taron Hasenkamp and all those who donated to their efforts to assist ranchers facing unimaginable losses.

2. That copies of this resolution be sent to Trevor Hasenkamp, Nick Svoboda, Bill Hasenkamp, Mark Dinslage, Robert Snyder, and Taron Hasenkamp.

Laid over.

**LEGISLATIVE RESOLUTION 116.** Introduced by Harr, 8; Baker, 30; Blood, 3; Chambers, 11; Craighead, 6; Crawford, 45; Hilkemann, 4; Howard, 9; Kolowski, 31; Krist, 10; Lindstrom, 18; McCollister, 20; McDonnell, 5; Murante, 49; Riepe, 12; Scheer, 19; Smith, 14; Vargas, 7; Wayne, 13.

WHEREAS, John E. Christensen, Ph.D., is recognized and honored for his years of service as the Chancellor of the University of Nebraska at Omaha (UNO); and

WHEREAS, Chancellor Christensen is planning to retire from UNO at the end of June, pending the announcement of his successor; and

WHEREAS, Chancellor Christensen attended Omaha Benson High School and has been inducted into the Benson High School Hall of Fame; and

WHEREAS, Chancellor Christensen was the first in his family to receive a college degree, earning a Bachelor of Science in speech communications and drama from Dana College, a Master of Science in special education and speech pathology from UNO, and a Ph.D. in speech pathology and audiology from the University of Kansas; and

WHEREAS, Chancellor Christensen began his career at UNO in 1978 in the College of Education and later served as chair of the department, Dean of the College of Education, and Vice Chancellor for Academic and Student Affairs; and

WHEREAS, in September 2006, Dr. Christensen was named interim Chancellor before being named Chancellor in May 2007; and

WHEREAS, Chancellor Christensen has presented at many conferences around the world, published numerous articles, and focused on community engagement and education; and

WHEREAS, Chancellor Christensen served as president of the Coalition of Urban and Metropolitan Universities from 2010-2012; and

WHEREAS, during his tenure, Chancellor Christensen led UNO to achieve three of the University's strategic plan goals by serving the mission of strong academic values and building a strong relationship with the community; and

WHEREAS, Chancellor Christensen has been honored with several awards including, most recently, the Omaha World-Herald 2016 Midlander of the Year Award; and

WHEREAS, Chancellor Christensen found ways to collaborate with Dr. John Langan, former dean of the UNO College of Education and president of the Omaha Public Schools Board of Education.

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

1. That the Legislature honors Chancellor John E. Christensen for his years of service to the University of Nebraska at Omaha and congratulates him on his retirement.

2. That a copy of this resolution be sent to Chancellor John E. Christensen.

Laid over.

#### **AMENDMENT(S) - Print in Journal**

Senator Schumacher filed the following amendment to LB327:

AM1233

(Amendments to Standing Committee amendments, AM590)

1 1. On page 54, lines 24 and 25 strike "up to".

2 2. On page 55, strike beginning with "prioritize" in line 8 through

3 "entities" in line 13 and insert "disburse available funds in a manner

4 consistent with this section".

#### **SELECT FILE**

**LEGISLATIVE BILL 409.** The Kolowski amendment, AM1015, found on page 1142 and considered in this day's Journal, was renewed.

Senator Linehan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Kolowski moved for a call of the house. The motion prevailed with 37 ayes, 1 nay, and 11 not voting.

Senator Kolowski requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 14:

Baker	Hansen	Kolowski	McDonnell	Walz
Blood	Hilkemann	Krist	Quick	Wishart
Chambers	Howard	McCollister	Schumacher	

Voting in the negative, 24:

Albrecht	Clements	Halloran	Larson	Smith
Bostelman	Erdman	Hilgers	Lindstrom	Stinner
Brasch	Friesen	Hughes	Lowe	Watermeier
Brewer	Geist	Kolterman	Murante	Williams
Briese	Groene	Kuehn	Riepe	

Present and not voting, 10:

Bolz	Crawford	Harr	Morfeld	Scheer
Craighead	Ebke	Linehan	Pansing Brooks	Vargas

Excused and not voting, 1:

Wayne

The Kolowski amendment lost with 14 ayes, 24 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Friesen withdrew his amendment, AM1163, found on page 1200.

Senator Friesen offered the following amendment:

AM1236

(Amendments to Standing Committee amendments, AM955)

1 1. Insert the following new sections:

2 Section 1. Section 77-2716, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4 77-2716 (1) The following adjustments to federal adjusted gross  
5 income or, for corporations and fiduciaries, federal taxable income shall  
6 be made for interest or dividends received:

7 (a)(i) There shall be subtracted interest or dividends received by  
8 the owner of obligations of the United States and its territories and  
9 possessions or of any authority, commission, or instrumentality of the  
10 United States to the extent includable in gross income for federal income  
11 tax purposes but exempt from state income taxes under the laws of the  
12 United States; and

13 (ii) There shall be subtracted interest received by the owner of  
14 obligations of the State of Nebraska or its political subdivisions or  
15 authorities which are Build America Bonds to the extent includable in  
16 gross income for federal income tax purposes;

17 (b) There shall be subtracted that portion of the total dividends  
18 and other income received from a regulated investment company which is

19 attributable to obligations described in subdivision (a) of this  
20 subsection as reported to the recipient by the regulated investment  
21 company;

22 (c) There shall be added interest or dividends received by the owner  
23 of obligations of the District of Columbia, other states of the United  
24 States, or their political subdivisions, authorities, commissions, or  
25 instrumentalities to the extent excluded in the computation of gross  
26 income for federal income tax purposes except that such interest or  
1 dividends shall not be added if received by a corporation which is a  
2 regulated investment company;

3 (d) There shall be added that portion of the total dividends and  
4 other income received from a regulated investment company which is  
5 attributable to obligations described in subdivision (c) of this  
6 subsection and excluded for federal income tax purposes as reported to  
7 the recipient by the regulated investment company; and

8 (e)(i) Any amount subtracted under this subsection shall be reduced  
9 by any interest on indebtedness incurred to carry the obligations or  
10 securities described in this subsection or the investment in the  
11 regulated investment company and by any expenses incurred in the  
12 production of interest or dividend income described in this subsection to  
13 the extent that such expenses, including amortizable bond premiums, are  
14 deductible in determining federal taxable income.

15 (ii) Any amount added under this subsection shall be reduced by any  
16 expenses incurred in the production of such income to the extent  
17 disallowed in the computation of federal taxable income.

18 (2) There shall be allowed a net operating loss derived from or  
19 connected with Nebraska sources computed under rules and regulations  
20 adopted and promulgated by the Tax Commissioner consistent, to the extent  
21 possible under the Nebraska Revenue Act of 1967, with the laws of the  
22 United States. For a resident individual, estate, or trust, the net  
23 operating loss computed on the federal income tax return shall be  
24 adjusted by the modifications contained in this section. For a  
25 nonresident individual, estate, or trust or for a partial-year resident  
26 individual, the net operating loss computed on the federal return shall  
27 be adjusted by the modifications contained in this section and any  
28 carryovers or carrybacks shall be limited to the portion of the loss  
29 derived from or connected with Nebraska sources.

30 (3) There shall be subtracted from federal adjusted gross income for  
31 all taxable years beginning on or after January 1, 1987, the amount of  
1 any state income tax refund to the extent such refund was deducted under  
2 the Internal Revenue Code, was not allowed in the computation of the tax  
3 due under the Nebraska Revenue Act of 1967, and is included in federal  
4 adjusted gross income.

5 (4) For taxable years beginning or deemed to begin before January 1,  
6 2018, federal ~~Federal~~ adjusted gross income, or, for a fiduciary, federal  
7 taxable income shall be modified to exclude the portion of the income or  
8 loss received from a small business corporation with an election in  
9 effect under subchapter S of the Internal Revenue Code or from a limited  
10 liability company organized pursuant to the Nebraska Uniform Limited

11 Liability Company Act that is not derived from or connected with Nebraska  
12 sources as determined in section 77-2734.01.

13 (5) There shall be subtracted from federal adjusted gross income or,  
14 for corporations and fiduciaries, federal taxable income dividends  
15 received or deemed to be received from corporations which are not subject  
16 to the Internal Revenue Code.

17 (6) There shall be subtracted from federal taxable income a portion  
18 of the income earned by a corporation subject to the Internal Revenue  
19 Code of 1986 that is actually taxed by a foreign country or one of its  
20 political subdivisions at a rate in excess of the maximum federal tax  
21 rate for corporations. The taxpayer may make the computation for each  
22 foreign country or for groups of foreign countries. The portion of the  
23 taxes that may be deducted shall be computed in the following manner:

24 (a) The amount of federal taxable income from operations within a  
25 foreign taxing jurisdiction shall be reduced by the amount of taxes  
26 actually paid to the foreign jurisdiction that are not deductible solely  
27 because the foreign tax credit was elected on the federal income tax  
28 return;

29 (b) The amount of after-tax income shall be divided by one minus the  
30 maximum tax rate for corporations in the Internal Revenue Code; and

31 (c) The result of the calculation in subdivision (b) of this  
1 subsection shall be subtracted from the amount of federal taxable income  
2 used in subdivision (a) of this subsection. The result of such  
3 calculation, if greater than zero, shall be subtracted from federal  
4 taxable income.

5 (7) Federal adjusted gross income shall be modified to exclude any  
6 amount repaid by the taxpayer for which a reduction in federal tax is  
7 allowed under section 1341(a)(5) of the Internal Revenue Code.

8 (8)(a) Federal adjusted gross income or, for corporations and  
9 fiduciaries, federal taxable income shall be reduced, to the extent  
10 included, by income from interest, earnings, and state contributions  
11 received from the Nebraska educational savings plan trust created in  
12 sections 85-1801 to 85-1814 and any account established under the  
13 achieving a better life experience program as provided in sections  
14 77-1401 to 77-1409.

15 (b) Federal adjusted gross income or, for corporations and  
16 fiduciaries, federal taxable income shall be reduced by any contributions  
17 as a participant in the Nebraska educational savings plan trust or  
18 contributions to an account established under the achieving a better life  
19 experience program made for the benefit of a beneficiary as provided in  
20 sections 77-1401 to 77-1409, to the extent not deducted for federal  
21 income tax purposes, but not to exceed five thousand dollars per married  
22 filing separate return or ten thousand dollars for any other return. With  
23 respect to a qualified rollover within the meaning of section 529 of the  
24 Internal Revenue Code from another state's plan, any interest, earnings,  
25 and state contributions received from the other state's educational  
26 savings plan which is qualified under section 529 of the code shall  
27 qualify for the reduction provided in this subdivision. For contributions  
28 by a custodian of a custodial account including rollovers from another

29 custodial account, the reduction shall only apply to funds added to the  
30 custodial account after January 1, 2014.

31 (c) Federal adjusted gross income or, for corporations and  
1 fiduciaries, federal taxable income shall be increased by:

2 (i) The amount resulting from the cancellation of a participation  
3 agreement refunded to the taxpayer as a participant in the Nebraska  
4 educational savings plan trust to the extent previously deducted under  
5 subdivision (8)(b) of this section; and

6 (ii) The amount of any withdrawals by the owner of an account  
7 established under the achieving a better life experience program as  
8 provided in sections 77-1401 to 77-1409 for nonqualified expenses to the  
9 extent previously deducted under subdivision (8)(b) of this section.

10 (9)(a) For income tax returns filed after September 10, 2001, for  
11 taxable years beginning or deemed to begin before January 1, 2006, under  
12 the Internal Revenue Code of 1986, as amended, federal adjusted gross  
13 income or, for corporations and fiduciaries, federal taxable income shall  
14 be increased by eighty-five percent of any amount of any federal bonus  
15 depreciation received under the federal Job Creation and Worker  
16 Assistance Act of 2002 or the federal Jobs and Growth Tax Act of 2003,  
17 under section 168(k) or section 1400L of the Internal Revenue Code of  
18 1986, as amended, for assets placed in service after September 10, 2001,  
19 and before December 31, 2005.

20 (b) For a partnership, limited liability company, cooperative,  
21 including any cooperative exempt from income taxes under section 521 of  
22 the Internal Revenue Code of 1986, as amended, limited cooperative  
23 association, subchapter S corporation, or joint venture, the increase  
24 shall be distributed to the partners, members, shareholders, patrons, or  
25 beneficiaries in the same manner as income is distributed for use against  
26 their income tax liabilities.

27 (c) For a corporation with a unitary business having activity both  
28 inside and outside the state, the increase shall be apportioned to  
29 Nebraska in the same manner as income is apportioned to the state by  
30 section 77-2734.05.

31 (d) The amount of bonus depreciation added to federal adjusted gross  
1 income or, for corporations and fiduciaries, federal taxable income by  
2 this subsection shall be subtracted in a later taxable year. Twenty  
3 percent of the total amount of bonus depreciation added back by this  
4 subsection for tax years beginning or deemed to begin before January 1,  
5 2003, under the Internal Revenue Code of 1986, as amended, may be  
6 subtracted in the first taxable year beginning or deemed to begin on or  
7 after January 1, 2005, under the Internal Revenue Code of 1986, as  
8 amended, and twenty percent in each of the next four following taxable  
9 years. Twenty percent of the total amount of bonus depreciation added  
10 back by this subsection for tax years beginning or deemed to begin on or  
11 after January 1, 2003, may be subtracted in the first taxable year  
12 beginning or deemed to begin on or after January 1, 2006, under the  
13 Internal Revenue Code of 1986, as amended, and twenty percent in each of  
14 the next four following taxable years.

15 (10) For taxable years beginning or deemed to begin on or after

16 January 1, 2003, and before January 1, 2006, under the Internal Revenue  
17 Code of 1986, as amended, federal adjusted gross income or, for  
18 corporations and fiduciaries, federal taxable income shall be increased  
19 by the amount of any capital investment that is expensed under section  
20 179 of the Internal Revenue Code of 1986, as amended, that is in excess  
21 of twenty-five thousand dollars that is allowed under the federal Jobs  
22 and Growth Tax Act of 2003. Twenty percent of the total amount of  
23 expensing added back by this subsection for tax years beginning or deemed  
24 to begin on or after January 1, 2003, may be subtracted in the first  
25 taxable year beginning or deemed to begin on or after January 1, 2006,  
26 under the Internal Revenue Code of 1986, as amended, and twenty percent  
27 in each of the next four following tax years.

28 (11)(a) For taxable years beginning or deemed to begin before  
29 January 1, 2018, under the Internal Revenue Code of 1986, as amended,  
30 federal adjusted gross income shall be reduced by contributions, up to  
31 two thousand dollars per married filing jointly return or one thousand  
1 dollars for any other return, and any investment earnings made as a  
2 participant in the Nebraska long-term care savings plan under the Long-  
3 Term Care Savings Plan Act, to the extent not deducted for federal income  
4 tax purposes.

5 (b) For taxable years beginning or deemed to begin before January 1,  
6 2018, under the Internal Revenue Code of 1986, as amended, federal  
7 adjusted gross income shall be increased by the withdrawals made as a  
8 participant in the Nebraska long-term care savings plan under the act by  
9 a person who is not a qualified individual or for any reason other than  
10 transfer of funds to a spouse, long-term care expenses, long-term care  
11 insurance premiums, or death of the participant, including withdrawals  
12 made by reason of cancellation of the participation agreement, to the  
13 extent previously deducted as a contribution or as investment earnings.

14 (12) There shall be added to federal adjusted gross income for  
15 individuals, estates, and trusts any amount taken as a credit for  
16 franchise tax paid by a financial institution under sections 77-3801 to  
17 77-3807 as allowed by subsection (5) of section 77-2715.07.

18 (13) For taxable years beginning or deemed to begin on or after  
19 January 1, 2015, under the Internal Revenue Code of 1986, as amended,  
20 federal adjusted gross income shall be reduced by the amount received as  
21 benefits under the federal Social Security Act which are included in the  
22 federal adjusted gross income if:

23 (a) For taxpayers filing a married filing joint return, federal  
24 adjusted gross income is fifty-eight thousand dollars or less; or

25 (b) For taxpayers filing any other return, federal adjusted gross  
26 income is forty-three thousand dollars or less.

27 (14) For taxable years beginning or deemed to begin on or after  
28 January 1, 2015, under the Internal Revenue Code of 1986, as amended, an  
29 individual may make a one-time election within two calendar years after  
30 the date of his or her retirement from the military to exclude income  
31 received as a military retirement benefit by the individual to the extent  
1 included in federal adjusted gross income and as provided in this  
2 subsection. The individual may elect to exclude forty percent of his or

3 her military retirement benefit income for seven consecutive taxable  
4 years beginning with the year in which the election is made or may elect  
5 to exclude fifteen percent of his or her military retirement benefit  
6 income for all taxable years beginning with the year in which he or she  
7 turns sixty-seven years of age. For purposes of this subsection, military  
8 retirement benefit means retirement benefits that are periodic payments  
9 attributable to service in the uniformed services of the United States  
10 for personal services performed by an individual prior to his or her  
11 retirement.

12 Sec. 2. Section 77-2734.01, Revised Statutes Cumulative Supplement,  
13 2016, is amended to read:

14 77-2734.01 (1)(a) For taxable years beginning or deemed to begin  
15 before January 1, 2018, residents ~~(1) Residents~~ of Nebraska who are  
16 shareholders of a small business corporation having an election in effect  
17 under subchapter S of the Internal Revenue Code or who are members of a  
18 limited liability company organized pursuant to the Nebraska Uniform  
19 Limited Liability Company Act shall include in their Nebraska taxable  
20 income, to the extent includable in federal gross income, their  
21 proportionate share of such corporation's or limited liability company's  
22 federal income adjusted pursuant to this section. Income or loss from  
23 such corporation or limited liability company conducting a business,  
24 trade, profession, or occupation shall be included in the Nebraska  
25 taxable income of a shareholder or member who is a resident of this state  
26 to the extent of such shareholder's or member's proportionate share of  
27 the net income or loss from the conduct of such business, trade,  
28 profession, or occupation within this state, determined under subsection  
29 (2) of this section. A resident of Nebraska shall include in Nebraska  
30 taxable income fair compensation for services rendered to such  
31 corporation or limited liability company. Compensation actually paid  
1 shall be presumed to be fair unless it is apparent to the Tax  
2 Commissioner that such compensation is materially different from fair  
3 value for the services rendered or has been manipulated for tax avoidance  
4 purposes.

5 (b) For taxable years beginning or deemed to begin on or after  
6 January 1, 2018, residents of Nebraska who are shareholders of a small  
7 business corporation having an election in effect under subchapter S of  
8 the Internal Revenue Code or who are members of a limited liability  
9 company organized pursuant to the Nebraska Uniform Limited Liability  
10 Company Act shall include in their Nebraska taxable income, to the extent  
11 includable in federal gross income, their proportionate share of such  
12 corporation's or limited liability company's federal income without any  
13 adjustments pursuant to this section.

14 (2) The income of any small business corporation having an election  
15 in effect under subchapter S of the Internal Revenue Code or limited  
16 liability company organized pursuant to the Nebraska Uniform Limited  
17 Liability Company Act that is derived from or connected with Nebraska  
18 sources shall be determined in the following manner:

19 (a) If the small business corporation is a member of a unitary  
20 group, the small business corporation shall be deemed to be doing



21 business within this state if any part of its income is derived from  
22 transactions with other members of the unitary group doing business  
23 within this state, and such corporation shall apportion its income by  
24 using the apportionment factor determined for the entire unitary group,  
25 including the small business corporation, under sections 77-2734.05 to  
26 77-2734.15;

27 (b) If the small business corporation or limited liability company  
28 is not a member of a unitary group and is subject to tax in another  
29 state, it shall apportion its income under sections 77-2734.05 to  
30 77-2734.15; and

31 (c) If the small business corporation or limited liability company  
1 is not subject to tax in another state, all of its income is derived from  
2 or connected with Nebraska sources.

3 (3) Nonresidents of Nebraska who are shareholders of such  
4 corporations or members of such limited liability companies shall file a  
5 Nebraska income tax return and shall include in Nebraska adjusted gross  
6 income their proportionate share of the corporation's or limited  
7 liability company's Nebraska income as determined under subsection (2) of  
8 this section.

9 (4) The nonresident shareholder or member shall execute and forward  
10 to the corporation or limited liability company before the filing of the  
11 corporation's or limited liability company's return an agreement which  
12 states he or she will file a Nebraska income tax return and pay the tax  
13 on the income derived from or connected with sources in this state, and  
14 such agreement shall be attached to the corporation's or limited  
15 liability company's Nebraska return for such taxable year.

16 (5) For taxable years beginning or deemed to begin before January 1,  
17 2013, in the absence of the nonresident shareholder's or member's  
18 executed agreement being attached to the Nebraska return, the corporation  
19 or limited liability company shall remit with the return an amount equal  
20 to the highest individual income tax rate determined under section  
21 77-2715.02 multiplied by the nonresident shareholder's or member's share  
22 of the corporation's or limited liability company's income which was  
23 derived from or attributable to this state. For taxable years beginning  
24 or deemed to begin on or after January 1, 2013, in the absence of the  
25 nonresident shareholder's or member's executed agreement being attached  
26 to the Nebraska return, the corporation or limited liability company  
27 shall remit with the return an amount equal to the highest individual  
28 income tax rate determined under section 77-2715.03 multiplied by the  
29 nonresident shareholder's or member's share of the corporation's or  
30 limited liability company's income which was derived from or attributable  
31 to this state. The amount remitted shall be allowed as a credit against  
1 the Nebraska income tax liability of the shareholder or member.

2 (6) The Tax Commissioner may allow a nonresident individual  
3 shareholder or member to not file a Nebraska income tax return if the  
4 nonresident individual shareholder's or member's only source of Nebraska  
5 income was his or her share of the small business corporation's or  
6 limited liability company's income which was derived from or attributable  
7 to sources within this state, the nonresident did not file an agreement

8 to file a Nebraska income tax return, and the small business corporation  
9 or limited liability company has remitted the amount required by  
10 subsection (5) of this section on behalf of such nonresident individual  
11 shareholder or member. The amount remitted shall be retained in  
12 satisfaction of the Nebraska income tax liability of the nonresident  
13 individual shareholder or member.

14 (7) A small business corporation or limited liability company return  
15 shall be filed only if one or more of the shareholders of the corporation  
16 or members of the limited liability company are not residents of the  
17 State of Nebraska or if such corporation or limited liability company has  
18 income derived from sources outside this state.

19 (8) For purposes of this section, any shareholder or member of the  
20 corporation or limited liability company that is a grantor trust of a  
21 nonresident shall be disregarded and this section shall apply as though  
22 the nonresident grantor was the shareholder or member.

23 Sec. 4. Section 79-1005.01, Revised Statutes Cumulative Supplement,  
24 2016, is amended to read:

25 79-1005.01 (1) Not later than November 15 of each year, the Tax  
26 Commissioner shall certify to the department for the preceding tax year  
27 the income tax liability of resident individuals for each local system.

28 (2) For school fiscal years prior to 2017-18, one hundred two  
29 million two hundred eighty-nine thousand eight hundred seventeen dollars  
30 which is equal to the amount appropriated to the School District Income  
31 Tax Fund for distribution in school fiscal year 1992-93 shall be  
1 disbursed as option payments as determined under section 79-1009 and as  
2 allocated income tax funds as determined in this section and sections  
3 79-1008.01, 79-1015.01, 79-1017.01, and 79-1018.01, except as provided in  
4 section 79-1008.02 for school fiscal years prior to school fiscal year  
5 2017-18. For school fiscal years prior to school fiscal year 2017-18,  
6 funds not distributed as allocated income tax funds due to minimum levy  
7 adjustments shall not increase the amount available to local systems for  
8 distribution as allocated income tax funds.

9 (3) Using the data certified by the Tax Commissioner pursuant to  
10 subsection (1) of this section, the department shall calculate the  
11 allocation percentage and each local system's allocated income tax funds.  
12 The allocation percentage shall be the amount stated in subsection (2) of  
13 this section minus the total amount paid for option students pursuant to  
14 section 79-1009, with the difference divided by the aggregate statewide  
15 income tax liability of all resident individuals certified pursuant to  
16 subsection (1) of this section. For school fiscal years prior to 2017-18,  
17 each ~~Each~~ local system's allocated income tax funds shall be calculated  
18 by multiplying the allocation percentage times the local system's income  
19 tax liability certified pursuant to subsection (1) of this section.

20 (4) For school fiscal year 2017-18 ~~and each school fiscal year~~  
21 ~~thereafter~~, each local system's allocated income tax funds shall be  
22 calculated by multiplying the local system's income tax liability  
23 certified pursuant to subsection (1) of this section by two and twenty-  
24 three hundredths percent.

25 (5) For school fiscal year 2018-19 and each school fiscal year

26 thereafter, each local system's allocated income tax funds shall be  
27 calculated by multiplying the local system's income tax liability  
28 certified pursuant to subsection (1) of this section by twenty percent.  
29 Sec. 9. The following sections are outright repealed: Sections  
30 77-2715.09, Reissue Revised Statutes of Nebraska, and section 77-2715.08,  
31 Revised Statutes Cumulative Supplement, 2016.  
1 2. Renumber the remaining sections and correct the repealer  
2 accordingly.

Senator Baker offered the following amendment to the Friesen amendment:  
AM1238

(Amendments to Friesen amendments, AM1236)

1 1. Strike amendment 1 and insert the following new amendment:  
2 1. Insert the following new section:  
3 Section 1. The Education Committee of the Legislature shall review  
4 the Tax Equity and Educational Opportunities Support Act and shall  
5 develop a new system for financing school districts. The committee may  
6 ask members of other committees of the Legislature to assist in the  
7 process. The committee shall report electronically the results of such  
8 review and prepare legislation to implement the new system for financing  
9 school districts to the Legislative Council or Legislature on or before  
10 December 31, 2017.

Senator Baker withdrew his amendment.

**SENATOR LINDSTROM PRESIDING**

**SPEAKER SCHEER PRESIDING**

Senator Harr moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Friesen moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Friesen amendment lost with 11 ayes, 22 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 268.** Placed on Final Reading.  
**LEGISLATIVE BILL 268A.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**SPEAKER'S MAJOR PROPOSALS**

April 27, 2017

Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Please be advised that pursuant to Rule 1, Section 17, the Executive Board met and approved Speaker Scheer's request that LB327, LB330, LB331, and LB332 be designated as 2017 Speaker Major Proposals.

Respectfully,  
(Signed) Senator Dan Watermeier  
Chairperson, Executive Board

C: Speaker Jim Scheer

**AMENDMENT(S) - Print in Journal**

Senator Pansing Brooks filed the following amendment to LB517:  
AM1221

- 1 1. Strike original section 5.
- 2 2. On page 5, line 28, strike "(i)(1) A" and insert "(i)(1)(A)
- 3 Except as provided in subdivision (i)(1)(B) of this section, a".
- 4 3. On page 6, line 3, after the period insert:
- 5 "(B) Liability of a payor or other third party which is a financial
- 6 institution making payment on a jointly owned account or to a beneficiary
- 7 pursuant to the terms of a governing instrument on an account with a POD
- 8 designation shall be governed by section 30-2732.
- 9 (C)"; in line 5 after "forfeiture" insert "severance"; in line 8
- 10 strike "(i)(1)" and insert "(i)(1)(A)"; in line 10 after the second "or"
- 11 insert "in the case of written notice to a person other than a
- 12 financial institution"; and in line 11 after the period insert "Written
- 13 notice to a financial institution with respect to a jointly owned account
- 14 or an account with a POD designation shall be governed by section
- 15 30-2732".
- 16 4. On page 15, line 22, strike "30-2723".
- 17 5. Renumber the remaining sections accordingly.

Senator Harr filed the following amendment to LB492:  
AM1234

(Amendments to Standing Committee amendments, AM310)

- 1 1. Insert the following new sections:

2 Sec. 10. Section 37-1278, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 37-1278 (1) Application for a certificate of title shall be  
5 presented to the county treasurer, shall be made upon a form prescribed  
6 by the Department of Motor Vehicles, and shall be accompanied by the fee  
7 prescribed in section 37-1287. The owner of a motorboat for which a  
8 certificate of title is required shall obtain a certificate of title  
9 prior to registration required under section 37-1214. The buyer of a  
10 motorboat sold pursuant to section 7 of this act shall present  
11 documentation that such sale was completed in compliance with such  
12 section.

13 (2)(a) If a certificate of title has previously been issued for the  
14 motorboat in this state, the application for a new certificate of title  
15 shall be accompanied by the certificate of title duly assigned. If a  
16 certificate of title has not previously been issued for the motorboat in  
17 this state, the application shall be accompanied by a certificate of  
18 number from this state, a manufacturer's or importer's certificate, a  
19 duly certified copy thereof, proof of purchase from a governmental agency  
20 or political subdivision, a certificate of title from another state, or a  
21 court order issued by a court of record, a manufacturer's certificate of  
22 origin, or an assigned registration certificate, if the motorboat was  
23 brought into this state from a state which does not have a certificate of  
24 title law. The county treasurer shall retain the evidence of title  
25 presented by the applicant on which the certificate of title is issued.

26 When the evidence of title presented by the applicant is a certificate of  
1 title or an assigned registration certificate issued by another state,  
2 the department shall notify the state of prior issuance that the  
3 certificate has been surrendered. If a certificate of title has not  
4 previously been issued for the motorboat in this state and the applicant  
5 is unable to provide such documentation, the applicant may apply for a  
6 bonded certificate of title as prescribed in section 37-1278.01.

7 (b) This subdivision applies beginning on an implementation date  
8 designated by the Director of Motor Vehicles. The director shall  
9 designate an implementation date which is on or before January 1, 2020.  
10 In addition to the information required under subdivision (2)(a) of this  
11 section, the application for a certificate of title shall contain (i) the  
12 full legal name as defined in section 60-468.01 of each owner and (ii)(A)  
13 the motor vehicle operator's license number or state identification card  
14 number of each owner, if applicable, and one or more of the  
15 identification elements as listed in section 60-484 of each owner, if  
16 applicable, and (B) if any owner is a business entity, a nonprofit  
17 organization, an estate, a trust, or a church-controlled organization,  
18 its tax identification number.

19 (3) The county treasurer shall use reasonable diligence in  
20 ascertaining whether or not the statements in the application for a  
21 certificate of title are true by checking the application and documents  
22 accompanying the same with the records of motorboats in his or her  
23 office. If he or she is satisfied that the applicant is the owner of the  
24 motorboat and that the application is in the proper form, the county

25 treasurer shall issue a certificate of title over his or her signature  
26 and sealed with his or her seal.

27 (4) In the case of the sale of a motorboat, the certificate of title  
28 shall be obtained in the name of the purchaser upon application signed by  
29 the purchaser, except that for titles to be held by husband and wife,  
30 applications may be accepted by the county treasurer upon the signature  
31 of either spouse as a signature for himself or herself and as an agent  
1 for his or her spouse.

2 (5) In all cases of transfers of motorboats, the application for a  
3 certificate of title shall be filed within thirty days after the delivery  
4 of the motorboat. A dealer need not apply for a certificate of title for  
5 a motorboat in stock or acquired for stock purposes, but upon transfer of  
6 a motorboat in stock or acquired for stock purposes, the dealer shall  
7 give the transferee a reassignment of the certificate of title on the  
8 motorboat or an assignment of a manufacturer's or importer's certificate.  
9 If all reassignments printed on the certificate of title have been used,  
10 the dealer shall obtain title in his or her name prior to any subsequent  
11 transfer.

12 Sec. 11. Section 37-1283, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 37-1283 (1) In the event of the transfer of ownership of a motorboat  
15 by operation of law as upon inheritance, devise, or bequest, order in  
16 bankruptcy, insolvency, replevin, or execution sale, (2) whenever a  
17 motorboat is sold to satisfy storage or repair charges or under section 7  
18 of this act, or (3) whenever repossession is had upon default in  
19 performance of the terms of a chattel mortgage, trust receipt,  
20 conditional sales contract, or other like agreement, the county treasurer  
21 of any county or the Department of Motor Vehicles, upon the surrender of  
22 the prior certificate of title or the manufacturer's or importer's  
23 certificate, or when that is not possible, upon presentation of  
24 satisfactory proof of ownership and right of possession to the motorboat,  
25 and upon payment of the fee prescribed in section 37-1287 and the  
26 presentation of an application for certificate of title, may issue to the  
27 applicant a certificate of title thereto. If the prior certificate of  
28 title issued for the motorboat provided for joint ownership with right of  
29 survivorship, a new certificate of title shall be issued to a subsequent  
30 purchaser upon the assignment of the prior certificate of title by the  
31 surviving owner and presentation of satisfactory proof of death of the  
1 deceased owner. Only an affidavit by the person or agent of the person to  
2 whom possession of the motorboat has so passed, setting forth facts  
3 entitling him or her to such possession and ownership, together with a  
4 copy of the journal entry, court order, or instrument upon which such  
5 claim of possession and ownership is founded shall be considered  
6 satisfactory proof of ownership and right of possession, except that if  
7 the applicant cannot produce such proof of ownership, he or she may  
8 submit to the department such evidence as he or she may have and the  
9 department may thereupon, if it finds the evidence sufficient, issue the  
10 certificate of title or authorize any county treasurer to issue a  
11 certificate of title, as the case may be. If from the records of the

12 county treasurer or the department there appear to be any liens on the  
13 motorboat, the certificate of title shall comply with section 37-1282  
14 regarding the liens unless the application is accompanied by proper  
15 evidence of their satisfaction or extinction.

16 Sec. 12. Section 60-149, Revised Statutes Cumulative Supplement,  
17 2016, is amended to read:

18 60-149 (1)(a) If a certificate of title has previously been issued  
19 for a vehicle in this state, the application for a new certificate of  
20 title shall be accompanied by the certificate of title duly assigned  
21 except as otherwise provided in the Motor Vehicle Certificate of Title  
22 Act.

23 (b) Except for manufactured homes or mobile homes as provided in  
24 subsection (2) of this section, if a certificate of title has not  
25 previously been issued for the vehicle in this state or if a certificate  
26 of title is unavailable pursuant to subsection (4) of section 52-1801,  
27 the application shall be accompanied by:

28 (i) A manufacturer's or importer's certificate except as otherwise  
29 provided in subdivision (vii) of this subdivision;

30 (ii) A duly certified copy of the manufacturer's or importer's  
31 certificate;

1 (iii) An affidavit by the owner affirming ownership in the case of  
2 an all-terrain vehicle, a utility-type vehicle, or a minibike;

3 (iv) A certificate of title from another state;

4 (v) A court order issued by a court of record, a manufacturer's  
5 certificate of origin, or an assigned registration certificate, if the  
6 law of the state from which the vehicle was brought into this state does  
7 not have a certificate of title law;

8 (vi) Documentation prescribed in section 60-142.01, 60-142.02,  
9 60-142.04, or 60-142.05 or documentation of compliance with section 7 of  
10 this act; or

11 (vii) A manufacturer's or importer's certificate and an affidavit by  
12 the owner affirming ownership in the case of a minitruck.

13 (c) If the application for a certificate of title in this state is  
14 accompanied by a valid certificate of title issued by another state which  
15 meets that state's requirements for transfer of ownership, then the  
16 application may be accepted by this state.

17 (d) If a certificate of title has not previously been issued for the  
18 vehicle in this state and the applicant is unable to provide such  
19 documentation, the applicant may apply for a bonded certificate of title  
20 as prescribed in section 60-167.

21 (2)(a) If the application for a certificate of title for a  
22 manufactured home or a mobile home is being made in accordance with  
23 subdivision (4)(b) of section 60-137 or if the certificate of title for a  
24 manufactured home or a mobile home is unavailable pursuant to section  
25 52-1801, the application shall be accompanied by proof of ownership in  
26 the form of:

27 (i) A duly assigned manufacturer's or importer's certificate;

28 (ii) A certificate of title from another state;

29 (iii) A court order issued by a court of record;

30 (iv) Evidence of ownership as provided for in section 30-24,125,  
31 52-601.01 to 52-605, 60-1901 to 60-1911, ~~or~~ 60-2401 to 60-2411, or  
1 documentation of compliance with section 7 of this act; or  
2 (v) Assessment records for the manufactured home or mobile home from  
3 the county assessor and an affidavit by the owner affirming ownership.  
4 (b) If the applicant cannot produce proof of ownership described in  
5 subdivision (a) of this subsection, he or she may submit to the  
6 department such evidence as he or she may have, and the department may  
7 thereupon, if it finds the evidence sufficient, issue the certificate of  
8 title or authorize the county treasurer to issue a certificate of title,  
9 as the case may be.  
10 (3) For purposes of this section, certificate of title includes a  
11 salvage certificate, a salvage branded certificate of title, or any other  
12 document of ownership issued by another state or jurisdiction for a  
13 salvage vehicle. Only a salvage branded certificate of title shall be  
14 issued to any vehicle conveyed upon a salvage certificate, a salvage  
15 branded certificate of title, or any other document of ownership issued  
16 by another state or jurisdiction for a salvage vehicle.  
17 (4) The county treasurer shall retain the evidence of title  
18 presented by the applicant and on which the certificate of title is  
19 issued.  
20 Sec. 13. Section 60-166, Revised Statutes Cumulative Supplement,  
21 2016, is amended to read:  
22 60-166 (1) In the event of (a) the transfer of ownership of a  
23 vehicle by operation of law as upon inheritance, devise, or bequest,  
24 order in bankruptcy, insolvency, replevin, or execution sale or as  
25 provided in sections 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911,  
26 and 60-2401 to 60-2411, (b) the engine of a vehicle being replaced by  
27 another engine, (c) a vehicle being sold to satisfy storage or repair  
28 charges or under section 7 of this act, or (d) repossession being had  
29 upon default in performance of the terms of a chattel mortgage, trust  
30 receipt, conditional sales contract, or other like agreement, the county  
31 treasurer of any county or the department, upon the surrender of the  
1 prior certificate of title or the manufacturer's or importer's  
2 certificate, or when that is not possible, upon presentation of  
3 satisfactory proof of ownership and right of possession to such vehicle,  
4 and upon payment of the appropriate fee and the presentation of an  
5 application for certificate of title, may issue to the applicant a  
6 certificate of title thereto. If the prior certificate of title issued  
7 for such vehicle provided for joint ownership with right of survivorship,  
8 a new certificate of title shall be issued to a subsequent purchaser upon  
9 the assignment of the prior certificate of title by the surviving owner  
10 and presentation of satisfactory proof of death of the deceased owner.  
11 Only an affidavit by the person or agent of the person to whom possession  
12 of such vehicle has so passed, setting forth facts entitling him or her  
13 to such possession and ownership, together with a copy of the journal  
14 entry, court order, or instrument upon which such claim of possession and  
15 ownership is founded, shall be considered satisfactory proof of ownership  
16 and right of possession, except that if the applicant cannot produce such



17 proof of ownership, he or she may submit to the department such evidence  
 18 as he or she may have, and the department may thereupon, if it finds the  
 19 evidence sufficient, issue the certificate of title or authorize any  
 20 county treasurer to issue a certificate of title, as the case may be.  
 21 (2) If from the records of the county treasurer or the department  
 22 there appear to be any liens on such vehicle, such certificate of title  
 23 shall comply with section 60-164 or 60-165 regarding such liens unless  
 24 the application is accompanied by proper evidence of their satisfaction  
 25 or extinction.  
 26 Sec. 14. Original sections 37-1278 and 37-1283, Reissue Revised  
 27 Statutes of Nebraska, and sections 60-149 and 60-166, Revised Statutes  
 28 Cumulative Supplement, 2016, are repealed.  
 29 2. On page 5, line 31, after the period insert "If the property is a  
 30 vehicle, watercraft, or trailer, such sale shall extinguish any lien or  
 31 security interest in the property of any holder of such lien or security  
 1 interest to whom notice of the sale was sent in compliance with this  
 2 section.".

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 117.** Introduced by Stinner, 48.

WHEREAS, Maurie Deines received the Distinguished Citizen Award in recognition of his excellent work in serving the community, as well as the youth in the community; and

WHEREAS, this award was presented by the Longs Peak Council of the Boy Scouts of America, Tri-Trails District, during the Tri-Trails Distinguished Citizen Dinner fundraiser; and

WHEREAS, Maurie Deines earned this award because of his leadership and years of devotion and service in various community groups including the Gering Pathways Project, Leadership Scotts Bluff, the TeamMates Mentoring Program, and as the Scoutmaster for Troop 3 in Gering; and

WHEREAS, Maurie Deines is highly respected in his community and a wonderful mentor to many people.

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

1. That the Legislature congratulates Maurie Deines for receiving the Distinguished Citizen Award.
2. That a copy of this resolution be sent to Maurie Deines.

Laid over.

**LEGISLATIVE RESOLUTION 118.** Introduced by Stinner, 48.

WHEREAS, Jace Demeranville received a Distinguished Scout Award in recognition of his outstanding achievements in the Boy Scouts of America; and

WHEREAS, this award was presented by the Longs Peak Council of the Boy Scouts of America, Tri-Trails District, during the Tri-Trails Distinguished Citizen Dinner fundraiser; and

WHEREAS, this award recognizes and honors Jace's leadership, dedication, and commitment to the Boy Scouts of America; and

WHEREAS, Jace has served as Senior Patrol Leader, Assistant Senior Patrol Leader, Patrol Leader, and Historian and is currently the Junior Assistant Scoutmaster of Scottsbluff Troop 5; and

WHEREAS, Jace Demeranville is the first Scout of the Longs Peak Council to be inducted into the Boy Scouts of America National Youth Leadership Society.

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

1. That the Legislature congratulates Jace Demeranville for receiving the Distinguished Scout Award.

2. That a copy of this resolution be sent to Jace Demeranville.

Laid over.

**LEGISLATIVE RESOLUTION 119.** Introduced by Geist, 25.

WHEREAS, the Villa Marie Eagles won the 2017 Special Olympics state basketball tournament; and

WHEREAS, the Eagles' victory came at the conclusion of the fourth overtime against the previously undefeated Norris Titans in front of a crowd of over 150 basketball fans; and

WHEREAS, Luke Bartek also earned first place in the individual skills competition by demonstrating excellence in passing, dribbling, and shooting baskets; and

WHEREAS, Coaches Matt Jilek and Greg Gibney provided the leadership, always asking the players for "one more," whether it was a lap, made free-throw, or act of kindness; 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 Villa Marie Eagles on winning the 2017 Special Olympics state basketball tournament.

2. That a copy of this resolution be sent to the Eagles and Coaches Matt Jilek and Greg Gibney.

Laid over.

**VISITORS**

Visitors to the Chamber were members of Freedom Baptist Church from Stamford; Nick Brdicko from Omaha; 75 fourth-grade students and sponsors from Dodge Elementary, Grand Island; 92 fourth-grade students, teachers, and sponsors from Aurora Elementary; 50 fourth-grade students from Norfolk Catholic School; students, teachers, and sponsors from Legislative District 7; 12 fourth-grade students from St. Joseph Catholic School, York; and 39 first- through twelfth-grade students and sponsors on Take Our Daughters and Sons to Work Day from Lincoln.

The Doctor of the Day was Dr. Brian Buhlke from Central City.

**ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Albrecht, the Legislature adjourned until 9:00 a.m., Tuesday, May 2, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-FOURTH DAY - MAY 2, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****SEVENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 2, 2017

**PRAYER**

The prayer was offered by Pastor Matt Bahnfleth, Christ the Servant Church, 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 Bolz, Vargas, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-third day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 327.** Placed on Select File with amendment.  
ER83

- 1 1. In the Standing Committee amendments, AM590:
- 2 a. On page 2, line 3, strike "129, and 268" and insert "130, and
- 3 272";
- 4 b. On page 3, line 6, strike "Office"; and in line 18 strike
- 5 "10,006,574" and insert "10,006,571";
- 6 c. On page 36, line 24, strike the second comma; and in line 29
- 7 strike "(f)" and insert "903(f)";
- 8 d. On page 40, line 17, strike "that" and insert "this";
- 9 e. On page 47, lines 12 and 13, strike "Department of Health and
- 10 Human" and insert "budget division of the Department of Administrative";
- 11 f. On page 85, line 5, strike "2017-2017" and insert "2017-2019";
- 12 and
- 13 g. On page 128, line 9, strike "Treasure" and insert "Treasury" and
- 14 in line 25 strike "Nebraska" and insert "State".

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 20.** Placed on Final Reading.

**LEGISLATIVE BILL 138.** Placed on Final Reading.

**LEGISLATIVE BILL 142.** Placed on Final Reading.

**LEGISLATIVE BILL 159.** Placed on Final Reading.

**LEGISLATIVE BILL 234.** Placed on Final Reading.

**LEGISLATIVE BILL 255.** Placed on Final Reading.

ST24

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 5, line 19, "(34)" has been struck and "(35)" inserted.
2. On page 8, line 2, "(33)" has been struck and "(35)" inserted.

**LEGISLATIVE BILL 255A.** Placed on Final Reading.

**LEGISLATIVE BILL 315.** Placed on Final Reading.

ST23

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "or conveyance" has been inserted after "sale" and the comma has been stricken and a semicolon inserted.

**LEGISLATIVE BILL 430.** Placed on Final Reading.

**LEGISLATIVE BILL 455.** Placed on Final Reading.

**LEGISLATIVE BILL 558.** Placed on Final Reading.

**LEGISLATIVE BILL 645.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

April 27, 2017

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 271, 339e, 518, and 518A were received in my office on April 24, 2017.

These bills were signed and delivered to the Secretary of State on April 27, 2017.

Sincerely,  
(Signed) Pete Ricketts  
Governor

April 27, 2017

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 9, 34, 35, 91, 91A, 92, 122, 137, 148, 151e, 161, 166e, 180, 180A, 182, 207, 210, 217e, 222, 225e, 225Ae, 263e, 263Ae, 267, 276, 317, 376e, 407, 417, 432e, 444, 487, 535, 539e, 566, 590e, 600, 625e, 641A, and 641 were received in my office on April 24, 2017.

These bills were signed and delivered to the Secretary of State on April 27, 2017.

Sincerely,  
(Signed) Pete Ricketts  
Governor

April 27, 2017

Mr. President, Mr. Speaker, and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 75 without my signature and with my objections.

The bill would allow convicted felons to vote immediately upon the completion of their prison term or end of parole. Under current law, convicted felons can vote two years after completing their criminal sentence.

Despite claims of supporters of the bill, LB 75 does not relate to criminal justice reform. The state's criminal justice reform efforts were adopted by the Legislature in 2015 with the passage of LB 605. Those reforms are currently being implemented and are completely unrelated to felons voting. While the rehabilitation of criminals is an important goal of the criminal justice system, the immediate restoration of voting rights is not the answer.

Many times, those convicted of a felony offense commit another felony within a few years after release from prison. Proponents of LB 75 contend

there will be increase civic engagement by felons voting and that will help to reduce recidivism. However, studies have failed to demonstrate a link between the restoration of voting privileges and reduced recidivism rates.

States fall along the continuum from no voting restrictions for convicted felons to lifetime prohibitions against voting. It is worth noting that states with no voting restrictions or restrictions less than those in Nebraska have higher recidivism rates than Nebraska, which has a recidivism rate of 31.3%.<sup>1</sup> Vermont allows felons to vote while incarcerated, but has a recidivism rate of 44.1%.<sup>2</sup> Colorado places voting restrictions on convicted felons while incarcerated or on parole and has a recidivism rate of 48.6%.<sup>3</sup>

Requiring convicted felons to wait before allowing them to vote provides an incentive to maintain a clean record and avoid subsequent convictions.

More important than the policy considerations that weigh strongly against LB 75, I have constitutional concerns with the bill. Article VI, Section 2 of the Nebraska Constitution states that "[n]o person shall be qualified to vote who... has been convicted of... a felony under the laws of the state or of the United States, unless restored to civil rights."

Statutorily restoring the right to vote contradicts the process set out in our Constitution. The sole power to restore civil rights lost by someone who is convicted of a felony is granted to the Board of Pardons under Article IV, Section 13 of the Nebraska Constitution. LB 75 further erodes the exclusive authority vested in the Nebraska Board of Pardons, violating the separation of powers provision found in Article II, Section 1.

Nebraskans are kind-hearted and do not wish to permanently punish convicted felons. The distinction, however, between the restoration of rights versus privileges must be noted. While the Legislature may restore certain privileges, such as driving privileges, to convicted felons, the Legislature may not circumvent the Nebraska Constitution to automatically restore a voting right in state law. Any efforts to restore a civil right explicitly revoked in the Nebraska Constitution requires changing the Nebraska Constitution.

LB 75 is attempting to create the equivalent of a legislative pardon. This is not permissible under the Constitution.

For these reasons, I urge you to sustain my veto of LB 75.

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<sup>1</sup> Nebraska Department of Correctional Services Policy and Research Division

<sup>2</sup> Vermont Department of Corrections. (2016). Vermont Department of Corrections Annual Report FY2015. Retrieved from <http://www.doc.state.vt.us/about/reports/fy15-doc-annual-report/view>

<sup>3</sup> Colorado Governor's Office, Performance Management and Operations. Retrieved from <https://www.colorado.gov/pacific/performance/performancemanagement/reduce-recidivism-rate>



Sincerely,  
 (Signed) Pete Ricketts  
 Governor

**AMENDMENT(S) - Print in Journal**

Senator Walz filed the following amendment to LB415:  
 AM1219

(Amendments to Standing Committee amendments, AM923)

- 1 1. On page 68, strike lines 3 through 25; and in lines 26 and 31  
 2 strike the new matter and reinstate the stricken matter.
- 3 2. On page 69, lines 14 and 17, strike the new matter and reinstate  
 4 the stricken matter.
- 5 3. On page 70, line 5, strike the new matter and reinstate the  
 6 stricken matter; in line 7 strike "(17)" and insert "(16)"; in line 9  
 7 strike "(18)" and insert "(17)"; in line 11 strike "(19)" and insert  
 8 "(18)"; in line 13 strike "(20)" and insert "(19)"; in line 15 strike  
 9 "(21)" and insert "(20)"; in line 17 strike "(22)" and insert "(21)"; in  
 10 line 19 strike "(23)" and insert "(22)"; and in line 31 strike "(24)" and  
 11 insert "(23)".
- 12 4. On page 71, line 9, strike "(25)" and insert "(24)"; in line 14  
 13 strike "(26)" and insert "(25)"; in line 19 strike "(27)" and insert  
 14 "(26)"; in line 22 strike "(28)" and insert "(27)"; in line 25 strike  
 15 "(29)" and insert "(28)"; in line 28 strike "(30)" and insert "(29)"; and  
 16 in line 30 strike "(31)" and insert "(30)".
- 17 5. On page 72, line 7, strike "(32)" and insert "(31)"; in line 9  
 18 strike "(33)" and insert "(32)"; in line 11 strike "(34)" and insert  
 19 "(33)"; in line 22 strike "(35)" and insert "(34)"; and in line 26 strike  
 20 "(36)" and insert "(35)".
- 21 6. On page 73, line 3, strike "(37)" and insert "(36)"; in line 15  
 22 strike "(38)" and insert "(37)"; in line 18 strike "(39)" and insert  
 23 "(38)"; in line 24 strike "(40)" and insert "(39)"; in line 26 strike  
 24 "(41)" and insert "(40)"; and in line 30 strike "(42)" and insert "(41)".
- 25 7. On page 74, line 4, strike "(43)" and insert "(42)"; in line 16  
 26 strike "(44)" and insert "(43)"; and in line 22 strike "(45)(a)" and  
 1 insert "(44)(a)".
- 2 8. On page 75, line 3, strike "(i)"; and in line 4 after "service"  
 3 insert "provided is as a substitute employee or a volunteer on an  
 4 intermittent basis not to exceed forty-five days during the one-hundred-  
 5 eighty-day period or such service"; and strike beginning with "or" in  
 6 line 4 through "inducement" in line 6.
- 7 9. On page 77, line 10, strike "(i)"; strike beginning with the  
 8 comma in line 12 through "employer" in line 20; in line 26 strike "(i)";  
 9 and strike beginning with "and" in line 29 through "employer" in line 31.
- 10 10. On page 95, strike lines 22 through 31.
- 11 11. On page 96, strike lines 1 through 12; in lines 13 and 16 strike  
 12 the new matter and reinstate the stricken matter; in line 19 strike  
 13 "(15)" and insert "(14)"; in line 22 strike "(16)" and insert "(15)"; in

14 line 24 strike "(17)" and insert "(16)"; in line 26 strike "(18)" and  
 15 insert "(17)"; and in line 30 strike "(19)" and insert "(18)".  
 16 12. On page 97, line 2, strike "(20)" and insert "(19)"; in line 25  
 17 strike "(21)" and insert "(20)"; in line 28 strike "(22)" and insert  
 18 "(21)"; and in line 31 strike "(23)" and insert "(22)".  
 19 13. On page 98, line 2, strike "(24)" and insert "(23)"; in line 7  
 20 strike "(25)" and insert "(24)"; in line 18 strike "(26)" and insert  
 21 "(25)"; in line 20 strike "(27)" and insert "(26)"; in line 22 strike  
 22 "(28)" and insert "(27)"; in line 25 strike "(29)" and insert "(28)"; and  
 23 in line 30 strike "(30)" and insert "(29)".  
 24 14. On page 99, line 4, strike "(31)" and insert "(30)"; in line 7  
 25 strike "(32)" and insert "(31)"; in line 12 strike "(33)" and insert  
 26 "(32)"; in line 18 strike "(34)(a)" and insert "(33)(a)"; in line 29  
 27 strike "(i)"; and strike beginning with "or" in line 30 through line 31  
 28 and insert "unless such service provided is as a substitute employee or a  
 29 volunteer on an intermittent basis not to exceed forty-five days during  
 30 the one-hundred-eighty-day period".  
 31 15. On page 100, line 1, strike "accepts" through "inducement"; and  
 1 in line 11 strike "(35)" and insert "(34)".  
 2 16. On page 104, strike lines 5 through 16 and insert "shall notify  
 3 the board of trustees in writing of the date upon which a termination of  
 4 employment has occurred and provide the board of trustees with such  
 5 information as the board of trustees deems necessary."; and strike lines  
 6 20 through 26 and insert "trustees that prior to the member's retirement  
 7 there was no prearranged written or verbal agreement to provide service  
 8 in any capacity to an employer participating in the retirement system  
 9 pursuant to the School Employees Retirement Act.".

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 110, 111, and 112 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 110, 111, and 112.

### GENERAL FILE

**LEGISLATIVE BILL 98.** Senator Erdman renewed his amendment, AM819, found on page 850.

Senator Friesen offered the following motion:

MO113

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Friesen moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Friesen requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 31:

Albrecht	Chambers	Kolowski	Quick	Wayne
Baker	Crawford	Kolterman	Scheer	Williams
Blood	Ebke	Larson	Smith	Wishart
Bolz	Friesen	Lindstrom	Stinner	
Bostelman	Hansen	Linehan	Vargas	
Brasch	Harr	McCollister	Walz	
Brewer	Hughes	Morfeld	Watermeier	

Voting in the negative, 9:

Clements	Geist	Halloran	Kuehn	McDonnell
Erdman	Groene	Hilgers	Lowe	

Present and not voting, 9:

Briese	Hilkemann	Krist	Pansing Brooks	Schumacher
Craighead	Howard	Murante	Riepe	

The Friesen motion to invoke cloture failed with 31 ayes, 9 nays, and 9 present and not voting.

The Chair declared the call raised.

#### **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 1100:

Boiler Safety Code Advisory Board  
Martin Kasl

Voting in the affirmative, 31:

Albrecht	Craighead	Hilkemann	McCollister	Stinner
Baker	Crawford	Howard	Morfeld	Walz
Blood	Erdman	Kolowski	Murante	Watermeier
Bostelman	Geist	Kolterman	Pansing Brooks	
Brasch	Groene	Krist	Quick	
Briese	Halloran	Larson	Scheer	
Clements	Hilgers	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 18:

Bolz	Friesen	Kuehn	Riepe	Williams
Brewer	Hansen	Linehan	Smith	Wishart
Chambers	Harr	Lowe	Vargas	
Ebke	Hughes	McDonnell	Wayne	

The appointment was confirmed with 31 ayes, 0 nays, and 18 present and not voting.

Senator Albrecht moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 1100:

Boiler Safety Code Advisory Board  
Aaron Jazyuka

Voting in the affirmative, 36:

Albrecht	Crawford	Hilkemann	Linehan	Stinner
Baker	Ebke	Howard	Lowe	Vargas
Blood	Erdman	Kolowski	Morfeld	Walz
Brasch	Friesen	Kolterman	Murante	Wishart
Brewer	Geist	Krist	Pansing Brooks	
Briese	Groene	Kuehn	Quick	
Clements	Halloran	Larson	Scheer	
Craighead	Hilgers	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 13:

Bolz	Hansen	McCollister	Smith	Williams
Bostelman	Harr	McDonnell	Watermeier	
Chambers	Hughes	Riepe	Wayne	

The appointment was confirmed with 36 ayes, 0 nays, and 13 present and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 259A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, and 18 present and not voting.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 120.** Introduced by Scheer, 19.

WHEREAS, Israel was born on May 14, 1948, as an independent, democratic, Jewish state built on the framework of liberty, justice, and peace; and

WHEREAS, Israel has much to commemorate and celebrate, most notably the fact that it has established itself in a short time as a free, modern, and politically stable nation; and

WHEREAS, Israel is a leading world contributor toward the advancement of agriculture, computer science, electronics, genetics, medicine, engineering, art, and culture; and

WHEREAS, the people of Nebraska have enjoyed a well-established economic partnership with the people of Israel; and

WHEREAS, this partnership has led to numerous trade arrangements with Israel that totaled nearly \$47,000,000 in total trade in 2015; and

WHEREAS, Nebraska is currently the only state authorized to ship kosher beef to Israel; and

WHEREAS, several of Nebraska's irrigation and agricultural-technology companies lead in exports to Israel, helping to strengthen Israel's agricultural economy and advance sustainable water use research; and

WHEREAS, Israel continues to stand united with America as beacons for democracy and freedom.

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

1. That the Legislature acknowledges the rich history of friendship and commerce between Nebraska and Israel and strongly supports the Jewish State.

2. That the Legislature congratulates and salutes Israel on the occasion of its 69th anniversary and expresses admiration for Israel's accomplishments and strength and best wishes for a peaceful and prosperous future.

3. That copies of this resolution be sent to the Consul General of Israel to the Midwest, Aviv Ezra, and to the Israeli Ambassador to the United States, Ron Dermer.

Laid over.

**LEGISLATIVE RESOLUTION 121.** Introduced by Scheer, 19.

WHEREAS, with the end of the Cold War in the late 1980s, western and eastern European nations experienced a vast thaw in their previously austere relationships, with new opportunities for cooperation and diplomatic, security, and economic ties between the United States and its North Atlantic Treaty Organization (NATO) allies and the prior Warsaw Pact partners; and

WHEREAS, identifying the critical need to rebuild shared democratic and military aspirations with the newly independent nations of Eastern Europe as a priority, the National Guard State Partnership Plan Program (SPP) was

established in 1993 in response to the changed political and military situations; and

WHEREAS, the SPP sought to link the National Guards of states in the United States with Ministries of Defense of the emerging democratic nations of Central and Eastern Europe and Eurasia in cooperative activities of mutual benefit; and

WHEREAS, the program has grown worldwide to include 73 unique security partnerships involving 79 nations and 54 participating U.S. states and territories; and

WHEREAS, in 1993 the Nebraska National Guard joined a previously established partnership between the Czech Republic and Texas. In 1999, the partnership evolved to include all aspects of the public and private sector as the Czech Republic prepared to be accepted into NATO; and

WHEREAS, in 2016, the SPP between Nebraska, Texas, and the Czech Republic, involved 34 separate exchanges between the Czech military and members of the Nebraska and Texas National Guards; and

WHEREAS, a special delegation from the Czech Republic is visiting Nebraska on May 3-4, 2017, including: Martin Stropnický, Czech Republic Minister of Defense; Major General Petr Mikulénka, Deputy Chief of the General Staff; Mr. Jan Jires, Defense Policy Director, Ministry of Defense; Bořek Lizec, Consulate General of the Czech Republic; and other distinguished guests; and

WHEREAS, Wilber, Nebraska, is the Czech Capitol of the U.S.A., home of the Miss Czech-Slovak U.S. Pageant, and home of the National Czech Festival, in its 56th year in 2017, which serves as another valuable and treasured tie between Nebraskans and their Czech heritage.

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

1. That the Legislature recognizes the significance of the close ties between Nebraska and the Czech Republic through the State Partnership Plan and wishes to express its appreciation for the honor of this visit by the distinguished diplomatic and military guests from the Czech Republic.

Laid over.

**LEGISLATIVE RESOLUTION 122.** Introduced by McCollister, 20; Baker, 30; Blood, 3; Briese, 41; Howard, 9; Kolterman, 24; Krist, 10; Linehan, 39; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Walz, 15.

**PURPOSE:** The purpose of this resolution is to examine public assistance programs in Nebraska, including, but not limited to, the Supplemental Nutrition Assistance Program, in order to determine whether program structures could be improved to better reward work and allow forward momentum for program participants.

The study shall include, but not be limited to, the following issues:

(1) The eligibility thresholds of public assistance programs and the effect of these limitations on participants' ability to increase their earnings or take new employment;

(2) Examination of methods other states have utilized to address these eligibility limitations;

(3) Identifying ways to improve public assistance programs in order to reward work and allow program participants to move off of assistance programs; and

(4) The actual impacts LB 81 (2015) had on the cliff effect related to the transitional child care subsidy.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **GENERAL FILE**

**LEGISLATIVE BILL 331.** Title read. Considered.

Committee AM594, found on page 1122, was offered.

Senator Friesen offered his amendment, AM1156, found on page 1196, to the committee amendment.

Senator Friesen withdrew his amendment.

Senator Kuehn offered his amendment, AM1205, found on page 1221, to the committee amendment.

### **SPEAKER SCHEER PRESIDING**

### **PRESIDENT FOLEY PRESIDING**

Senator Larson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

The Kuehn amendment was adopted with 26 ayes, 2 nays, 20 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion:

MO114

Reconsider the vote taken on AM1205.

Senator Chambers asked unanimous consent to withdraw his motion, MO114, to reconsider the vote. No objections. So ordered.

Pending.

**AMENDMENT(S) - Print in Journal**

Senator Kolterman filed the following amendment to LB415:  
AM1230

(Amendments to Standing Committee amendments, AM923)

- 1 1. Insert the following new section:
- 2 Sec. 52. If any section in this act or any part of any section is
- 3 declared invalid or unconstitutional, the declaration shall not affect
- 4 the validity or constitutionality of the remaining portions.
- 5 2. On page 45, line 18; page 46, line 22; page 136, line 15; and
- 6 page 137, line 20, strike "~~rendered~~" and insert "beginning".
- 7 3. On page 46, line 4, strike "his or her", show as stricken, and
- 8 insert "the employee's", and in lines 24 and 25 strike "~~his or her~~" and
- 9 insert "the employee's".
- 10 4. On page 47, line 25, after the first "the" insert "service and";
- 11 in line 26 strike "~~and~~" and insert
- 12 "(iv) Accelerating the payment from the employer due to unforeseen
- 13 circumstances that occur before payment is made pursuant to this section,
- 14 including, but not limited to, the employee's termination or retirement
- 15 or the employer's reorganization, consolidation, merger, or closing;
- 16 and"; and in line 27 strike "~~(iv)~~" and insert "~~(v)~~".
- 17 5. On page 59, line 12, strike "his or her", show as stricken, and
- 18 insert "the judge's"; and in lines 30 and 31 strike "~~he or she~~" and
- 19 insert "the judge".
- 20 6. On page 60, lines 1, 2, 3, 5, and 10, strike "court" and insert
- 21 "state court administrator"; in line 13 after the first "the" insert
- 22 "service and"; in line 14 strike "~~and~~" and insert
- 23 "(d) Accelerating the payment from the state court administrator due
- 24 to unforeseen circumstances that occur before payment is made pursuant to
- 25 this section, including, but not limited to, the judge's termination or
- 26 retirement or the court's reorganization, consolidation, or merger; and";
- 1 and in line 15 strike "~~(d)~~" and insert "~~(e)~~".
- 2 7. On page 67, line 4, strike "~~and~~"; and in line 17 after the
- 3 semicolon insert "and
- 4 (d) Creditable service does not include service provided to an
- 5 employer in the retirement system provided under the Class V School
- 6 Employees Retirement Act".
- 7 8. On page 68, line 7, strike "~~unreduced~~"; in line 9 strike
- 8 "~~vacation~~" through "~~sick~~"; in line 21 strike "~~retirement~~" and insert
- 9 "termination"; and in line 24 after "Code" insert "except for payments
- 10 for accrued unused leave".
- 11 9. On page 73, strike beginning with the comma in line 6 through the
- 12 comma in line 7 and show as stricken; and strike lines 18 through 23 and
- 13 insert
- 14 "(39) Service in any capacity means, but is not limited to, working
- 15 as (a) a volunteer, (b) a full-time or part-time employee, regular



16 employee, school employee, substitute employee, temporary employee, or  
17 interim employee, (c) an independent contractor, a subcontractor, a  
18 consultant, or a third party contractor who performs work for any  
19 employer in the retirement system, or (d) as defined in subdivision (30)  
20 of section 79-978 of the Class V School Employees Retirement System;".  
21 10. On page 74, line 29, strike "if", show as stricken, and insert  
22 "for purposes of this subdivision if termination begins on or after July  
23 1, 2017, and".  
24 11. On page 75, line 5, strike "retirement date" and insert  
25 "termination".  
26 12. On page 77, lines 18 and 26, strike "retirement" and insert  
27 "termination"; and in line 28 strike "an" and insert "any".  
28 13. On page 81, line 1, strike "his or her", show as stricken, and  
29 insert "the member's".  
30 14. On page 82, line 1, after the first "the" insert "service and";  
31 in line 2 strike "and" and insert  
1 "(iv) Accelerating the payment from the employer due to unforeseen  
2 circumstances that occur before payment is made pursuant to this section,  
3 including, but not limited to, the member's termination or retirement or  
4 the employer's reorganization, consolidation, merger, or closing; and";  
5 and in line 3 strike "(iv)" and insert "(v)".  
6 15. On page 83, line 3; and page 87, line 14, before "who" insert  
7 "or former member".  
8 16. On page 95, line 26, strike "unreduced"; and in line 28 strike  
9 "vacation" through "sick".  
10 17. On page 96, line 9, strike "retirement" and insert  
11 "termination"; and in line 12 after "Code" insert "except for payments  
12 for accrued unused leave".  
13 18. On page 98, strike lines 30 through 31.  
14 19. On page 99, strike lines 1 through 3 and insert  
15 "(30) Service in any capacity means, but is not limited to, working  
16 as (a) a volunteer, (b) a full-time or part-time employee, substitute  
17 employee, temporary employee, or interim employee, (c) an independent  
18 contractor, a subcontractor, a consultant, or a third party contractor  
19 who performs work for any employer in the retirement system, or (d) as  
20 defined in subdivision (39) of section 79-902 of the School Employees  
21 Retirement System;"; in line 25 strike "if" and insert "for purposes of  
22 this subdivision if termination begins on or after July 1, 2017, and";  
23 and in line 31 strike "retirement date" and insert "termination".  
24 20. On page 104, lines 15 and 21, strike "retirement" and insert  
25 "termination".  
26 21. On page 116, line 11, strike "his or her", show as stricken, and  
27 insert "the officer's".  
28 22. On page 117, line 12, after the first "the" insert "service  
29 and"; in line 13 strike "and" and insert  
30 "(iv) Accelerating the payment from the employer due to unforeseen  
31 circumstances that occur before payment is made pursuant to this section,  
1 including, but not limited to, the officer's termination or retirement or  
2 the employer's reorganization, consolidation, merger, or closing; and";

- 3 and in line 14 strike "(iv)" and insert "(v)".  
4 23. On page 137, line 2, strike "his or her", show as stricken, and  
5 insert "the employee's"; and in lines 22 and 23 strike "his or her" and  
6 insert "the employee's".  
7 24. On page 138, line 23, after the first "the" insert "service  
8 and"; in line 24 strike "and" and insert  
9 "(iv) Accelerating the payment from the employer due to unforeseen  
10 circumstances that occur before payment is made pursuant to this section,  
11 including, but not limited to, the employee's termination or retirement  
12 or the employer's reorganization, consolidation, merger, or closing;  
13 and"; and in line 25 strike "(iv)" and insert "(v)".  
14 25. On page 145, line 10, strike "52" and insert "53".  
15 26. Renumber the remaining sections accordingly.

### **MOTION(S) - Print in Journal**

Senator Wayne filed the following motion to LB75:

MO115

Becomes law notwithstanding the objections of the Governor.

### **VISITORS**

Visitors to the Chamber were 36 fourth-grade students, teachers, and sponsors from St. Wenceslaus School, Wahoo.

### **RECESS**

At 11:58 a.m., on a motion by Senator McCollister, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

### **ROLL CALL**

The roll was called and all members were present except Senators Bolz, Clements, Friesen, Groene, Hilkemann, Kuehn, Scheer, Stinner, Vargas, Wayne, and Wishart who were excused until they arrive.

### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 259A.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 461.** Senator Harr renewed his motion, MO96, found on page 1135, to reconsider the vote taken to recommit to committee.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 63.** Placed on Final Reading.

ST22

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "eliminate" has been struck and "change" inserted.

**LEGISLATIVE BILL 154.** Placed on Final Reading.

**LEGISLATIVE BILL 176.** Placed on Final Reading.

**LEGISLATIVE BILL 231.** Placed on Final Reading.

**LEGISLATIVE BILL 239.** Placed on Final Reading.

**LEGISLATIVE BILL 241.** Placed on Final Reading.

**LEGISLATIVE BILL 264.** Placed on Final Reading.

**LEGISLATIVE BILL 306.** Placed on Final Reading.

**LEGISLATIVE BILL 383.** Placed on Final Reading.

**LEGISLATIVE BILL 409.** Placed on Final Reading.

**LEGISLATIVE BILL 464.** Placed on Final Reading.

**LEGISLATIVE BILL 519.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 461.** The Harr motion, MO96, found on page 1135 and considered in this day's Journal, to reconsider the vote taken to recommit to committee, was renewed.

**SPEAKER SCHEER PRESIDING**

Senator Brasch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

**PRESIDENT FOLEY PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Smith requested a roll call vote on the Harr motion to reconsider.

Voting in the affirmative, 18:

Baker	Crawford	Kolowski	Pansing Brooks	Walz
Blood	Hansen	Krist	Quick	Wayne
Bolz	Harr	McCollister	Schumacher	
Chambers	Howard	Morfeld	Vargas	

Voting in the negative, 29:

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

Present and not voting, 2:

Groene	Wishart
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The Harr motion to reconsider failed with 18 ayes, 29 nays, and 2 present and not voting.

The Chair declared the call raised.

Senator Harr offered the following motion:

MO116

Bracket until June 2, 2017.

Senator Smith offered the following motion:

MO117

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Senator Chambers requested a roll call vote, in reverse order, on the Smith motion to invoke cloture.

Voting in the affirmative, 27:

Albrecht	Ebke	Hilkemann	Linehan	Stinner
Bostelman	Erdman	Hughes	Lowe	Watermeier
Brasch	Friesen	Kolterman	Murante	Williams
Brewer	Geist	Kuehn	Riepe	
Clements	Halloran	Larson	Scheer	
Craighead	Hilgers	Lindstrom	Smith	

Voting in the negative, 9:

Bolz	Hansen	Krist	Quick	Walz
Chambers	Howard	Morfeld	Schumacher	

Present and not voting, 13:

Baker	Crawford	Kolowski	Pansing Brooks	Wishart
Blood	Groene	McCollister	Vargas	
Briese	Harr	McDonnell	Wayne	

The Smith motion to invoke cloture failed with 27 ayes, 9 nays, and 13 present and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 331.** Committee AM594, found on page 1122 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 35 ayes, 1 nay, and 13 present and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, and 11 present and not voting.

**LEGISLATIVE BILL 332.** Title read. Considered.

Committee AM595, found on page 1122, was adopted with 35 ayes, 1 nay, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 3 nays, 18 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 171.** Title read. Considered.

Committee AM672, found on page 776, was adopted with 30 ayes, 0 nays, and 19 present and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, and 14 present and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 371.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 86.** ER71, found on page 1192, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 476.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 406.** ER73, found on page 1192, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 584.** ER74, found on page 1192, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 375.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 463.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 318.** ER76, found on page 1193, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 280.** ER75, found on page 1193, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 624.** Considered.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 204.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 492.** Senator Harr withdrew his amendment, AM1218, found on page 1235.

Senator Harr offered his amendment, AM1234, found on page 1260.

The Harr amendment was adopted with 34 ayes, 0 nays, and 15 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 274.** Considered.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 209.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 307.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 517.** ER79, found on page 1208, was adopted.

Senator Pansing Brooks offered her amendment, AM1221, found on page 1260.

The Pansing Brooks amendment was adopted with 39 ayes, 0 nays, and 10 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 320.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 458.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 200.** ER78, found on page 1208, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 508.** ER77, found on page 1208, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 382.** Advanced to Enrollment and Review for Engrossment.

#### **AMENDMENT(S) - Print in Journal**

Senator Watermeier filed the following amendment to LB461:  
AM1245

(Amendments to Standing Committee amendments, AM954)

- 1 1. On page 24, strike lines 6 through 23 and insert the following
- 2 new subsection:
- 3 "~~(3) Beginning in November 2019 and each November thereafter, the~~
- 4 Tax Rate Review Committee shall examine the expected rate of growth in
- 5 net General Fund receipts from the current fiscal year to the upcoming
- 6 fiscal year, as determined by the Nebraska Economic Forecasting Advisory

7 Board. If the expected rate of growth in net General Fund receipts  
8 exceeds four percent for the upcoming fiscal year, the Tax Rate Review  
9 Committee shall declare that the income tax rate under subsection (4) of  
10 section 77-2715.03 for the top tax bracket shall be reduced by .083% for  
11 taxable years beginning or deemed to begin on or after the following  
12 January 1, except that such rate shall not be reduced below 5.99 percent  
13 under this subsection. The Tax Commissioner shall prepare tax tables as  
14 required in section 77-2715.03 and withholding tables as required in  
15 section 77-2753 reflecting the change in rates or that there is no change  
16 in rates from the preceding tax year"; in line 24 after "2019" insert  
17 "and each November thereafter"; in line 26 after "four" insert "and one-  
18 half"; in line 28 strike "(1)(d)" and insert "(1)(c)"; and in line 29  
19 strike "two-tenths" and insert "one-tenth".

20 2. On page 25, line 2, strike "defers" and insert "declares"; in  
21 line 3 strike "step"; in line 5 strike "deferral" and insert "reduction";  
22 and after line 14 insert the following new subsection:  
23 "(6) Beginning in November 2019 and each November thereafter through  
24 November 2028, if the expected rate of growth in net General Fund  
25 receipts, as determined under subsection (3) of this section, exceeds  
26 three and one-half percent for the upcoming fiscal year, the Tax Rate  
27 Review Committee shall certify the expected rate of growth to the State  
28 Treasurer. Upon receipt of such certification, the State Treasurer shall  
29 transfer seventy-five million dollars from the General Fund to the  
30 Property Tax Credit Cash Fund."

31 3. On page 26, strike beginning with "of" in line 16 through  
32 "deferred" in line 17 and insert "2020"; and strike beginning with  
33 "Step" in line 28 through line 29 and insert "For taxable years beginning  
34 or deemed to begin on or after January 1, 2020".

35 4. On page 27, strike beginning with "Committee" in line 1 through  
36 "effective" in line 3; in line 13 strike "6.73%" and insert "Committee-  
37 Adjusted Rate"; after line 13 insert the following new paragraph:  
38 "For purposes of this subsection, committee-adjusted rate means a  
39 rate of 6.84% minus .083% for each time that the Tax Rate Review  
40 Committee has declared an income tax rate reduction under subsection (3)  
41 of section 77-2715.01. The committee-adjusted rate shall not be decreased  
42 below 5.99% for any taxable year."; and strike lines 14 through 30.

43 5. On page 28, strike lines 1 through 30.  
44 6. On page 29, strike lines 1 through 30.  
45 7. On page 30, strike lines 1 through 30.  
46 8. On page 31, strike line 1; in line 2 strike "(13)(a)" and insert  
47 "(5)(a)"; in lines 4 and 22 strike "(11)" and insert "(4)"; in line 6  
48 strike "(13)(b)" and insert "(5)(b)"; in line 23 strike "(14)" and insert  
49 "(6)"; and in line 27 strike "(15)" and insert "(7)".  
50 9. On page 32, line 4, strike "(16)" and insert "(8)"; and in line 8  
51 strike "(17)" and insert "(9)".  
52 10. On page 40, line 29, strike "2019" and insert "2020".  
53 11. On page 41, line 1, after the semicolon insert "and"; strike  
54 lines 2 through 6; in line 7 strike "(d)" and insert "(c)"; and in line  
55 12 strike "7.59" and insert "7.81" and strike "0.20" and insert "one-



30 tenth of one".

31 12. On page 42, line 14, strike "reduction steps" and insert  
1 "reductions".

Senator Watermeier filed the following amendment to LB461:  
AM1258

(Amendments to Standing Committee amendments, AM954)

1 1. On page 24, strike lines 6 through 23 and insert the following  
2 new subsection:

3 "(3) Beginning in November 2019 and each November thereafter, the  
4 Tax Rate Review Committee shall examine the expected rate of growth in  
5 net General Fund receipts from the current fiscal year to the upcoming  
6 fiscal year, as determined by the Nebraska Economic Forecasting Advisory  
7 Board. If the expected rate of growth in net General Fund receipts  
8 exceeds four percent for the upcoming fiscal year, the Tax Rate Review  
9 Committee shall declare that the income tax rate under subsection (4) of  
10 section 77-2715.03 for the top tax bracket shall be reduced by .083% for  
11 taxable years beginning or deemed to begin on or after the following  
12 January 1, except that such rate shall not be reduced below 5.99 percent  
13 under this subsection. The Tax Commissioner shall prepare tax tables as  
14 required in section 77-2715.03 and withholding tables as required in  
15 section 77-2753 reflecting the change in rates or that there is no change  
16 in rates from the preceding tax year."; in line 24 after "2019" insert  
17 "and each November thereafter"; in line 26 after "four" insert "and one-  
18 half"; in line 28 strike "(1)(d)" and insert "(1)(c)"; and in line 29  
19 strike "two-tenths" and insert "one-tenth".

20 2. On page 25, line 2, strike "defers" and insert "declares"; in  
21 line 3 strike "step"; in line 5 strike "deferral" and insert "reduction";  
22 and after line 14 insert the following new subsection:

23 "(6) Beginning in November 2019 and each November thereafter through  
24 November 2028, if the expected rate of growth in net General Fund  
25 receipts, as determined under subsection (3) of this section, exceeds  
26 three and one-half percent for the upcoming fiscal year, the Tax Rate  
1 Review Committee shall certify the expected rate of growth to the State  
2 Treasurer. Upon receipt of such certification, the State Treasurer shall  
3 transfer seventy-five million dollars from the General Fund to the  
4 Property Tax Credit Cash Fund.".

5 3. On page 26, strike beginning with "of" in line 16 through  
6 "deferred" in line 17 and insert ", 2020"; and strike beginning with  
7 "Step" in line 28 through line 29 and insert "For taxable years beginning  
8 or deemed to begin on or after January 1, 2020".

9 4. On page 27, strike beginning with "Committee" in line 1 through  
10 "effective" in line 3; in line 13 strike "6.73%" and insert "Committee-  
11 Adjusted Rate"; after line 13 insert the following new paragraph:  
12 "For purposes of this subsection, committee-adjusted rate means a  
13 rate of 6.84% minus .083% for each time that the Tax Rate Review  
14 Committee has declared an income tax rate reduction under subsection (3)  
15 of section 77-2715.01. The committee-adjusted rate shall not be decreased  
16 below 5.99% for any taxable year."; and strike lines 14 through 30.

17 5. On page 28, strike lines 1 through 30.

18 6. On page 29, strike lines 1 through 30.

19 7. On page 30, strike lines 1 through 30.  
 20 8. On page 31, strike line 1; in line 2 strike "(13)(a)" and insert  
 21 "(5)(a)"; in lines 4 and 22 strike "(11)" and insert "(4)"; in line 6  
 22 strike "(13)(b)" and insert "(5)(b)"; in line 23 strike "(14)" and insert  
 23 "(6)"; and in line 27 strike "(15)" and insert "(7)".  
 24 9. On page 32, line 4, strike "(16)" and insert "(8)"; and in line 8  
 25 strike "(17)" and insert "(9)".  
 26 10. On page 40, line 29, strike "2019" and insert "2020".  
 27 11. On page 41, line 1, after the semicolon insert "and"; strike  
 28 lines 2 through 6; in line 7 strike "(d)" and insert "(c)"; and in line  
 29 12 strike "7.59" and insert "7.81" and strike "0.20" and insert "one-  
 30 tenth of one".  
 31 12. On page 42, line 14, strike "reduction steps" and insert  
 1 "reductions".

Senator Craighead filed the following amendment to LB327:  
 AM1255

(Amendments to Standing Committee amendments, AM590)

1 1. On page 55, line 12, strike the first "and"; and in line 13 after  
 2 "entities" insert ", and public or private health care facilities that  
 3 provide comprehensive primary care in addition to preventive care  
 4 services. The department shall disburse such funds to a public or private  
 5 health care facility which does not provide comprehensive primary care if  
 6 necessary to prevent severe limitation or elimination of access to  
 7 services of the kind provided by the Federal Title X Program in any  
 8 region of the state".

Senator Watermeier filed the following amendment to LB461:  
 AM1259 is available in the Bill Room.

Senator Wayne filed the following amendment to LB327:  
 AM1229

(Amendments to Standing Committee amendments, AM590)

1 1. On page 38, strike line 28 and insert:  
 2 "GENERAL FUND 140,392,199 143,176,497".  
 3 2. On page 39, strike line 2 and insert:  
 4 "PROGRAM TOTAL 487,426,496 477,984,767".  
 5 3. On page 48, strike line 14 and insert:  
 6 "GENERAL FUND 169,625,089 169,625,089"; strike line 17 and insert:  
 7 "PROGRAM TOTAL 203,311,606 203,311,606"; and in lines 19 and 22  
 8 strike "\$165,108,214" and insert "\$169,625,089".

## VISITORS

Visitors to the Chamber were 20 fourth-grade students from Bloomfield Elementary; 45 fourth-grade students from Laura Dodge Elementary, Omaha; 12 fifth-grade students, teacher, and sponsors from Mary Lynch Elementary, Kimball; and 27 fourth-grade students from Amherst Elementary.

**RECESS**

At 5:34 p.m., on a motion by Senator Linehan, the Legislature recessed until 6:15 p.m.

**AFTER RECESS**

The Legislature reconvened at 6:15 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Bolz, Clements, Groene, Hilkemann, Larson, McDonnell, Murante, Smith, Stinner, Vargas, Watermeier, Wayne, and Wishart who were excused until they arrive.

**MOTION(S) - Place LB651 on General File**

Senator Linehan offered her motion, MO103, found on page 1221, to place LB651 on General File pursuant to Rule 3, Section 20(b).

Senator Geist moved the previous question. The question is, "Shall the debate now close?"

Senator Harr requested a ruling of the Chair on whether there had been a full and fair debate, pursuant to Rule 7, Sec. 4, on the Linehan motion.

The Chair ruled there had been a full and fair debate on the Linehan motion.

Senator Harr challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Harr withdrew his motion to overrule the Chair.

The motion to cease debate prevailed with 28 ayes, 3 nays, and 18 not voting.

Senator Hilgers moved for a call of the house. The motion prevailed with 38 ayes, 1 nay, and 10 not voting.

Senator Linehan requested a roll call vote on the motion to place LB651 on General File.

Voting in the affirmative, 30:

Albrecht	Craighead	Halloran	Lindstrom	Scheer
Bostelman	Ebke	Hilgers	Linehan	Smith
Brasch	Erdman	Hughes	Lowe	Stinner
Brewer	Friesen	Kolterman	McDonnell	Vargas
Briese	Geist	Kuehn	Murante	Watermeier
Clements	Groene	Larson	Riepe	Wayne

Voting in the negative, 13:

Bolz	Hansen	Kolowski	Pansing Brooks Williams
Chambers	Harr	Krist	Quick
Crawford	Hilkemann	Morfeld	Walz

Present and not voting, 6:

Baker	Howard	Schumacher
Blood	McCollister	Wishart

The Linehan motion to place LB651 on General File prevailed with 30 ayes, 13 nays, and 6 present and not voting.

The Chair declared the call raised.

### SELECT FILE

**LEGISLATIVE BILL 578.** ER63, found on page 1089, was adopted.

Senator McDonnell withdrew his amendment, AM1172, found on page 1247.

Senator McDonnell offered the following amendment:  
AM1262

(Amendments to AM917)

1 1. On page 1, line 18, after "(3)" insert "Capitation payment means  
 2 a payment the state makes periodically to a contractor on behalf of each  
 3 beneficiary enrolled under a contract and based on the actuarially sound  
 4 capitation rate for the provision of services under the state plan and  
 5 which the state makes regardless of whether the particular beneficiary  
 6 receives services during the period covered by the payment;  
 7 (4)"; in line 22 strike "(4)" and insert "(5)"; and in line 26  
 8 strike "(5)" and insert "(6)".  
 9 2. On page 2, line 3, strike "(6)" and insert "(7)"; in line 7  
 10 strike "(7)" and insert "(8)"; and after line 10 insert:  
 11 "Revenue from the intergovernmental transfer program created under  
 12 the Ground Emergency Medical Transport Act shall be deposited into the  
 13 Health and Human Services Cash Fund."

The McDonnell amendment was adopted with 29 ayes, 1 nay, 18 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**MOTION(S) - Return LB427 to Select File**

Senator Erdman moved to return LB427 to Select File for his specific amendment, AM1166, found on page 1191.

The Erdman motion to return failed with 11 ayes, 28 nays, 9 present and not voting, and 1 excused and not voting.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 427.**

A BILL FOR AN ACT relating to parenting; to amend section 20-170, Reissue Revised Statutes of Nebraska; to state findings; to provide duties for school districts and the State Department of Education relating to policies for pregnant and parenting students; to provide for training; to change provisions relating to the right to breast-feed as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Baker	Hansen	Krist	Quick	Wayne
Blood	Harr	Lindstrom	Scheer	Williams
Bolz	Hilgers	McCollister	Schumacher	Wishart
Chambers	Hilkemann	McDonnell	Smith	
Craighead	Howard	Morfeld	Stinner	
Crawford	Kolowski	Murante	Vargas	
Ebke	Kolterman	Pansing Brooks	Walz	

Voting in the negative, 7:

Bostelman	Erdman	Halloran	Riepe
Clements	Geist	Low	

Present and not voting, 10:

Albrecht	Brewer	Friesen	Hughes	Linehan
Brasch	Briese	Groene	Kuehn	Watermeier

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LB427.

**AMENDMENT(S) - Print in Journal**

Senator Murante filed the following amendment to LB451:  
AM1244

(Amendments to E & R amendments, ER80)

1 1. Strike section 7 and insert the following new section:

2 Sec. 7. Section 32-566, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 32-566 (1) When a vacancy occurs in the Legislature, the office  
5 shall be filled by the Governor. The Governor shall appoint a suitable  
6 person possessing the qualifications necessary for a member of the  
7 Legislature.

8 (2) If the vacancy occurs at any time on or after May 1 of the  
9 second year of the term of office, the appointee shall serve for the  
10 remainder of the unexpired term. If the vacancy occurs at any time prior  
11 to May 1 of the second year of the term of office within sixty days of a  
12 regular general election and if the term vacated expires on the first  
13 Tuesday following the first Monday in the following January, the  
14 appointee shall serve until the first Tuesday following the first Monday  
15 in January, and if the term extends beyond the first Tuesday following  
16 the first Monday in the following January, the appointee shall serve  
17 until the first Tuesday following the first Monday in January following  
18 the second regular general election next succeeding his or her  
19 appointment. If the vacancy occurs more than sixty days before a regular  
20 general election, the appointee shall serve until the first Tuesday  
21 following the first Monday in January following the next such regular  
22 general election and at the regular general election a member of the  
23 Legislature shall be elected to serve the unexpired term as provided in  
24 subsection (3) of this section.

25 (3)(a) If the vacancy occurs on or after February 1 and prior to May  
26 1 during the second year of the term of office, the vacancy shall be  
1 filled at the regular election in November of that year. Candidates shall  
2 file petitions to appear on the ballot for such election as provided in  
3 section 32-617.

4 (b) If the vacancy occurs at any time prior to February 1 of the  
5 second year of the term of office, the procedure for filling the vacated  
6 office shall be the same as the procedure for filling the office at the  
7 expiration of the term and candidates shall be nominated and elected at  
8 the statewide primary and general elections during the second year of the  
9 term.

Senator Linehan filed the following amendment to LB651:

AM1226

- 1 1. On page 2, lines 18 and 27, strike "state-approved" and "or
- 2 statewide".
- 3 2. On page 3, line 8, strike "state-approved" and "or"; in line 9
- 4 strike "statewide"; and in line 28 strike "statewide" and insert "local".
- 5 3. On page 4, line 4, strike the second "the" and insert "a"; and in
- 6 lines 5, 10, and 28 strike "statewide" and insert "local".
- 7 4. On page 5, line 2, strike "statewide" and insert "local"; in line
- 8 10 strike "and"; after line 10 insert the following new subdivision:
- 9 "(g) A student whose parents or legal guardian submits to the school
- 10 district a statement in writing indicating both a preference for such
- 11 student to be promoted to the next grade and a plan to address the
- 12 student's reading deficiency; and"; and in line 11 strike "(g)" and
- 13 insert "(h)".
- 14 5. On page 6, line 14, after the second "school" insert "district";
- 15 in line 21 after the first "the" insert "local"; and strike beginning
- 16 with "portion" in line 21 through "statewide" in line 22.
- 17 6. On page 7, line 18, strike "outlined in a parental contract"; and
- 18 in line 30 after "on" insert "local".
- 19 7. On page 8, lines 15 and 16, strike "outlined in a parental
- 20 contract"; and in line 31 strike "state-approved".
- 21 8. On page 9, line 1, strike "or statewide assessment"; in line 4
- 22 strike "state-approved"; strike beginning with "or" in line 4 through
- 23 "assessment" in line 5; in line 20 after the second "information" insert
- 24 "electronically"; and in line 22 strike "electronically to".

### **VISITORS**

The Doctor of the Day was Dr. John Jacobsen from Omaha.

### **ADJOURNMENT**

At 9:05 p.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Wednesday, May 3, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature





**SEVENTY-FIFTH DAY - MAY 3, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**SEVENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 3, 2017

**PRAYER**

The prayer was offered by Pastor Jack Whitcomb, First Congregational Church of Christ, Stockville.

**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, Larson, Stinner, Watermeier, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-fourth day was approved.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 332.** Placed on Select File.

**LEGISLATIVE BILL 171.** Placed on Select File with amendment.  
ER84

1 1. In the Standing Committee amendments, AM672, on page 6, line 23,  
2 strike "System" and insert "Systems".

(Signed) Anna Wishart, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 2, 2017, at 9:12 p.m. was the following:  
LB427.

(Signed) Kim Miranda  
Clerk of the Legislature's Office

**ANNOUNCEMENT**

The Chair announced the birthday of Senator McCollister.

**GENERAL FILE**

**LEGISLATIVE BILL 415.** Title read. Considered.

Committee AM923, found on page 975, was offered.

Senator Kolterman asked unanimous consent to withdraw his amendment, AM1000, found on page 1028, and replace it with his substitute amendment, AM1230, found on page 1280 to the committee amendment. No objections. So ordered.

Senator McCollister moved the previous question. The question is, "Shall the debate now close?"

Senator McCollister moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

The motion to cease debate prevailed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

The Kolterman amendment was adopted with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Baker offered his amendment, AM1211, found on page 1235, to the committee amendment.

**SPEAKER SCHEER PRESIDING****PRESIDENT FOLEY PRESIDING**

Senator Kolterman moved the previous question. The question is, "Shall the debate now close?"

Senator Kolterman moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The motion to cease debate prevailed with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

The Baker amendment was adopted with 26 ayes, 11 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Walz offered her amendment, AM1219, found on page 1273, to the committee amendment.

Pending.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 331.** Placed on Select File with amendment. ER85 is available in the Bill Room.

(Signed) Anna Wishart, Chairperson

**VISITORS**

Visitors to the Chamber were John Haase from Lincoln Christian School; Ulla Bastein and Stephie Hegel from Germany and Phil Brey from Ceresco; 23 fourth-grade students from Karen Western Elementary, Omaha; former Senators Dennis Baack and Galen Hadley; and 11 fourth-grade students, teacher, and sponsors from Trinity Lutheran School, Grand Island.

**RECESS**

At 11:55 a.m., on a motion by Senator Erdman, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Groene, Harr, Kolterman, Morfeld, Stinner, Watermeier, Wayne, and Wishart who were excused until they arrive.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 123.** Introduced by Halloran, 33.

WHEREAS, Longfellow Elementary School in Hastings received national recognition from Solution Tree for sustained success in raising student achievement; and

WHEREAS, Longfellow Elementary School joins Alcott Elementary, Lincoln Elementary, Hawthorne Elementary, Morton Elementary, and Hastings Middle School, all located in Hastings, in receiving national distinction as a National Model Professional Learning Community School; and

WHEREAS, Longfellow Elementary School is one of only six schools located in Nebraska to receive this notable award; and

WHEREAS, the students of Longfellow Elementary School have been recognized for their exceptional academic performance; and

WHEREAS, the staff of Longfellow Elementary School have been acknowledged for their extraordinary effectiveness; 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 students and teachers at Longfellow Elementary School for gaining prestigious recognition as a National Model Professional Learning Community School.

2. That a copy of this resolution be sent to Principal Irina Erickson at Longfellow Elementary School.

Laid over.

#### SELECT FILE

**LEGISLATIVE BILL 259A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 647.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 647A.** Considered.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 451.** ER80, found on page 1229, was adopted.

Senator Murante offered his amendment, AM1244, found on page 1294.

The Murante amendment was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

#### BILLS ON FINAL READING

##### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB97 with 34 ayes, 4 nays, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 97.**

A BILL FOR AN ACT relating to cities; to amend sections 19-4030 and 19-4031, Revised Statutes Cumulative Supplement, 2016; to adopt the Riverfront Development District Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 1:

Lowe

Excused and not voting, 5:

Clements	Groene	Harr	Morfeld	Stinner
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 152.**

A BILL FOR AN ACT relating to fees; to amend sections 25-2154 and 33-109, Reissue Revised Statutes of Nebraska, and sections 52-1004 and 77-3903, Revised Statutes Cumulative Supplement, 2016; to change and eliminate provisions relating to the fees for recording and filing certain documents; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Clements      Groene      Harr

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB172 with 37 ayes, 4 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 172.**

A BILL FOR AN ACT relating to labor; to amend sections 8-716, 25-1912, 48-301, 48-606.01, 48-609, 48-612, 48-612.01, 48-613, 48-614, 48-616, 48-617, 48-618, 48-619, 48-620, 48-623, 48-624, 48-626, 48-627, 48-628, 48-628.01, 48-628.02, 48-628.03, 48-628.04, 48-628.05, 48-629, 48-629.01, 48-635, 48-638, 48-643, 48-645, 48-647, 48-648.02, 48-649, 48-650, 48-651, 48-654.01, 48-656, 48-662, 48-663, 48-664, 48-2903, 84-1301, and 84-1307, Reissue Revised Statutes of Nebraska, and sections 48-601, 48-602, 48-603.01, 48-604, 48-606, 48-621, 48-622.01, 48-622.02, 48-622.03, 48-625, 48-630, 48-631, 48-632, 48-634, 48-637, 48-644, 48-648, 48-652, 48-654, 48-655, 48-660.01, 48-663.01, 48-665, 48-675, 48-679, and 48-682, Revised Statutes Cumulative Supplement, 2016; to change and eliminate provisions relating to the Employment Security Law; to eliminate provisions relating to a merit system; to change provisions relating to unemployment benefits and disqualification; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 48-640, 48-641, 48-642, 48-646, and 81-402, Reissue Revised Statutes of Nebraska, and sections 48-648.01 and 48-669, Revised Statutes Cumulative Supplement, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Clements      Harr

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 223.** With Emergency Clause.

A BILL FOR AN ACT relating to prescription drug monitoring; to amend section 71-2454, Revised Statutes Cumulative Supplement, 2016; to provide for availability and confidentiality of prescription information and certain data as prescribed; to change provisions relating to reporting by veterinarians; to provide for training as prescribed; to define and redefine terms; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Stinner

Excused and not voting, 1:

Harr

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **LEGISLATIVE BILL 253.**

A BILL FOR AN ACT relating to the County Industrial Sewer Construction Act; to amend section 23-3637, Reissue Revised Statutes of Nebraska; to change provisions relating to joint action agreements; to authorize intergovernmental service agreements as prescribed; to authorize a use for a sewer tax levy; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.



Present and not voting, 2:

Murante Stinner

Excused and not voting, 1:

Harr

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 257.**

A BILL FOR AN ACT relating to civil procedure; to define a term; to provide for a statute of limitations for claims relating to real estate brokerage services as prescribed; and provide a duty for the Revisor of Statutes.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Harr

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 300.**

A BILL FOR AN ACT relating to civil procedure; to amend section 25-228, Reissue Revised Statutes of Nebraska; to change the statute of limitations on civil actions for sexual assault of a child; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Albrecht      Halloran

Excused and not voting, 1:

Harr

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 323.**

A BILL FOR AN ACT relating to public health and welfare; to adopt the Palliative Care and Quality of Life Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Harr

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB346 with 37 ayes, 2 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 346.**

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend sections 60-373, 60-1406, 60-1407, 60-1410, 60-1411, 60-1411.01, 60-1411.02, 60-1413, and 60-1416, Reissue Revised Statutes of Nebraska, and sections 60-3,116 and 60-1403.01, Revised Statutes Cumulative Supplement, 2016; to eliminate the requirement for a motor vehicle, motorcycle, or trailer salesperson license; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harr            Kolterman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 478.** With Emergency Clause.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1206, Reissue Revised Statutes of Nebraska; to provide for possession of archery equipment and knives for recreational purposes as prescribed; to define terms; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Albrecht

Excused and not voting, 2:

Harr            Kolterman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 481.**

A BILL FOR AN ACT relating to the Pharmacy Practice Act; to amend sections 38-2801, 38-2802, 38-28,109, 38-28,110, 38-28,111, 38-28,112, 38-28,113, and 38-28,116, Reissue Revised Statutes of Nebraska; to provide, change, and transfer definitions; to restate intent and change provisions relating to drug product selection; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harr            Kolterman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 509.**

A BILL FOR AN ACT relating to subpoenas; to amend sections 25-1223, 25-1224, 25-1226, 25-1228, 29-1901, and 29-1903, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the issuance of subpoenas and compulsory process in criminal cases; to change and eliminate provisions relating to witness fees; to harmonize provisions; to repeal the original sections; and to outright repeal sections 25-1225 and 25-1236, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harr                      Kolterman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 509A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 509, One Hundred Fifth Legislature, First Session, 2017.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 2:

Harr            Kolterman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 605.** With Emergency Clause.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1804, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the ICF/DD Reimbursement Protection Fund; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harr           Kolterman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 97, 152, 172, 223, 253, 257, 300, 323, 346, 478, 481, 509, 509A, and 605.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 124.** Introduced by McDonnell, 5.

**PURPOSE:** The purpose of this interim study is to examine contracting and procurement by cities of the metropolitan class. The issues addressed by this interim study shall include, but not be limited to:

- (1) A review of the total number and value of contracts awarded by cities of the metropolitan class;
- (2) A review of basic procurement procedures utilized by cities of the metropolitan class;
- (3) A review of city ordinances and city charter provisions governing contracts and procurement by cities of the metropolitan class; and
- (4) An examination of programs utilized by cities of the metropolitan class to give preferences to certain contractors, including small businesses and emerging small businesses.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **GENERAL FILE**

**LEGISLATIVE BILL 644.** Title read. Considered.

Committee AM1111, found on page 1126, was offered.



Senator Krist offered the following amendment to the committee amendment:

FA72

Amend AM1111

Strike Section 1.

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Krist amendment was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 2 nays, and 12 present and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, and 5 present and not voting.

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 3, 2017, at 2:33 p.m. were the following: LBs 97, 152, 172, 223e, 253, 257, 300, 323, 346, 478e, 481, 509, 509A, and 605e.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 125.** Introduced by Hughes, 44.

**PURPOSE:** The purpose of this interim study is to study public power in Nebraska and to examine:

(1) The effect of retail electricity competition in states that have made the transition away from public power;

(2) Electricity markets in other Regional Transmission Organizations and how they compare with the Southwest Power Pool, which includes Nebraska. The study will also review the role and jurisdiction of the Southwest Power Pool and how Nebraska's participation has affected ratepayers;

(3) The role, jurisdiction, and relationship of the Southwest Power Pool, the Nebraska Power Review Board, the Nebraska Public Service Commission, and local governments in the development, generation, transmission, and delivery of electricity in the state; and

(4) The role of public power and of renewable energy in economic development in the state, including strengths and areas in need of improvement.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 126.** Introduced by Hughes, 44.

PURPOSE: The purpose of this study is to examine the Nebraska Cooperative Republican Platte Enhancement project (N-CORPE) that was developed to support the state's compliance with the Republican River Compact. The study committee shall:

(1) Review how N-CORPE helps Nebraska remain in compliance with the Republican River Compact and helps fulfill Nebraska's obligations in the Platte River Recovery Implementation Program;

(2) Examine the effect of N-CORPE on the property tax revenues of affected counties and school districts and the effect on local economies;

(3) Review the law relating to the payment of taxes by political subdivisions; and

(4) Examine how the land purchased for N-CORPE is being managed, the possible activities that may take place on the property, the advantages and disadvantages of such activities, and whether they would ensure a productive and sustainable use of the property while protecting the N-CORPE project's ability to use the water as necessary for compact compliance.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 86.** Placed on Final Reading.

**LEGISLATIVE BILL 204.** Placed on Final Reading.

**LEGISLATIVE BILL 280.** Placed on Final Reading.

**LEGISLATIVE BILL 318.** Placed on Final Reading.

ST27

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 3, line 29, the new matter has been struck and "or" has been struck and shown as stricken; and in line 30 ", or of the Nebraska Brand Committee" has been inserted after "district".

2. On page 4, line 3, the new matter has been struck; and in line 4 "Nebraska Brand Committee." has been inserted after the comma.

**LEGISLATIVE BILL 371.** Placed on Final Reading.

**LEGISLATIVE BILL 375.** Placed on Final Reading.

**LEGISLATIVE BILL 406.** Placed on Final Reading.

**LEGISLATIVE BILL 463.** Placed on Final Reading.

**LEGISLATIVE BILL 476.** Placed on Final Reading.

**LEGISLATIVE BILL 584.** Placed on Final Reading.

**LEGISLATIVE BILL 624.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

#### SELECT FILE

**LEGISLATIVE BILL 328.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 329.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 330.** ER81, found on page 1229, was adopted.

Senator Stinner offered the following amendment:

AM1217

(Amendments to Standing Committee amendments, AM593)

1 Purpose: Transfer authority for construction projects at the Central  
2 Nebraska Veterans' Home and Western Nebraska Veterans' Home from the  
3 Department of Health and Human Services to the Department of Veterans'  
4 Affairs, consistent with transfer of responsibility by LB340.

5 Amendment:

6 1. On page 21, line 3, strike "904, 919, and 923" and insert "919.  
7 The unexpended appropriation balances existing on June 30, 2017, from the  
8 respective funds in Program 904 are hereby reappropriated for FY2017-18  
9 to Agency No. 28 - Department of Veterans Affairs', Program 904. The  
10 unexpended appropriation balances existing on June 30, 2017, from the  
11 respective funds in Program No. 923 are hereby reappropriated for  
12 FY2017-18 to Agency No. 28 - Department of Veterans' Affairs, Program  
13 923"; after line 7 insert:  
14 "(3) Agency No. 28 - Department of Veterans' Affairs  
15 The unexpended appropriation balances existing on June 30, 2018,  
16 from the respective funds in Program 904 and Program 923 are hereby

17 reappropriated for FY2018-19."; in line 10 strike "(4)" and insert "(5)";  
18 in line 14 strike "(5)" and insert "(6)"; in line 16 strike "(6)" and  
19 insert "(7)"; in line 19 strike "(7)" and insert "(8)"; and in line 25  
20 strike "(8)" and insert "(9)".  
21 2. On page 22, line 5, strike "(9)" and insert "(10)".

The Stinner amendment was adopted with 33 ayes, 0 nays, and 16 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 149.** ER82, found on page 1234, was adopted.

Senator Stinner offered the following amendment:  
AM1260 is available in the Bill Room.

**SENATOR KRIST PRESIDING**

The Stinner amendment was adopted with 41 ayes, 0 nays, and 8 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 327.** ER83, found on page 1269, was adopted.

Senator Stinner offered the following amendment:  
AM1277

(Amendments to Standing Committee amendments, AM590)

1 1. Purpose: Remove Title X intent language and strike the phrase "up  
2 to" before the appropriation amount for public health screenings.

3 Amendment:

4 1. On page 54, lines 24 and 25 strike "up to".

5 2. On page 55, strike lines 7 through 13.

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 7 nays, and 12 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 44 ayes, 2 nays, and 3 not voting.

Senator Pansing Brooks requested a roll call vote, in reverse order, on the Stinner amendment.

Voting in the affirmative, 22:

Baker	Hansen	McCollister	Schumacher	Williams
Blood	Harr	Morfeld	Stinner	Wishart
Chambers	Kolowski	Pansing Brooks	Vargas	
Crawford	Kolterman	Quick	Walz	
Ebke	Krist	Scheer	Wayne	

Voting in the negative, 20:

Albrecht	Briese	Geist	Hilkemann	Lowe
Bostelman	Clements	Groene	Kuehn	Murante
Brasch	Craighead	Halloran	Lindstrom	Smith
Brewer	Erdman	Hilgers	Linehan	Watermeier

Present and not voting, 5:

Bolz	Friesen	Hughes	McDonnell	Riepe
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Excused and not voting, 2:

Howard	Larson
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The Stinner amendment lost with 22 ayes, 20 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Bolz offered the following motion:

MO118

Reconsider the vote taken on AM1277.

Pending.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 200.** Placed on Final Reading.

**LEGISLATIVE BILL 209.** Placed on Final Reading.

**LEGISLATIVE BILL 274.** Placed on Final Reading.

**LEGISLATIVE BILL 307.** Placed on Final Reading.

**LEGISLATIVE BILL 320.** Placed on Final Reading.

**LEGISLATIVE BILL 382.** Placed on Final Reading.

**LEGISLATIVE BILL 458.** Placed on Final Reading.

**LEGISLATIVE BILL 492.** Placed on Final Reading.

ST26

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "self-service" in line 1 through line 3 has been struck and "self-service storage facilities; to amend sections

37-1278 and 37-1283, Reissue Revised Statutes of Nebraska, and sections 60-149 and 60-166, Revised Statutes Cumulative Supplement, 2016; to adopt the Self-Service Storage Facilities Act; to authorize certain liens as prescribed; to change provisions relating to the State Boat Act and the Motor Vehicle Certificate of Title Act; to harmonize provisions; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 508.** Placed on Final Reading.

**LEGISLATIVE BILL 517.** Placed on Final Reading.

ST25

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "30-2723," has been struck.

(Signed) Anna Wishart, Chairperson

### **VISITORS**

Visitors to the Chamber were 50 fourth-grade students from Blumfield Elementary, Ralston; Malawi leader Nathan Chiume, Seth Mock from South Sudan, Vicki Meekins from Central City, and Natalie Hahn from New York City; and Senator Walz's husband, Chris, from Fremont.

### **RECESS**

At 5:32 p.m., on a motion by Senator Hughes, the Legislature recessed until 6:15 p.m.

### **AFTER RECESS**

The Legislature reconvened at 6:15 p.m., Senator Krist presiding.

### **ROLL CALL**

The roll was called and all members were present except Senator Larson who was excused; and Senators Bolz, Groene, Howard, Kolterman, Kuehn, Murante, Wayne, and Williams who were excused until they arrive.

### **GENERAL FILE**

**LEGISLATIVE BILL 327.** The Bolz motion, MO118, found in this day's Journal, to reconsider the vote taken on AM1277, was renewed.

### **SPEAKER SCHEER PRESIDING**

Senator Harr moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Bolz moved for a call of the house. The motion prevailed with 35 ayes, 2 nays, and 12 not voting.

Senator Bolz requested a roll call vote, in reverse order, on the motion to reconsider.

Voting in the affirmative, 25:

Baker	Ebke	Kolowski	Pansing Brooks	Vargas
Blood	Groene	Kolterman	Quick	Walz
Bolz	Hansen	Krist	Scheer	Wayne
Chambers	Harr	McCollister	Schumacher	Williams
Crawford	Howard	Morfeld	Stinner	Wishart

Voting in the negative, 21:

Albrecht	Clements	Hilgers	Linehan	Watermeier
Bostelman	Craighead	Hilkemann	Lowe	
Brasch	Erdman	Hughes	Murante	
Brewer	Geist	Kuehn	Riepe	
Briese	Halloran	Lindstrom	Smith	

Present and not voting, 2:

Friesen          McDonnell

Excused and not voting, 1:

Larson

The Bolz motion to reconsider prevailed with 25 ayes, 21 nays, 2 present and not voting, and 1 excused and not voting.

The Stinner amendment, AM1277, found in this day's Journal, was reconsidered.

Senator Watermeier requested a roll call vote on the Stinner amendment.

Voting in the affirmative, 25:

Baker	Ebke	Kolowski	Pansing Brooks	Vargas
Blood	Groene	Kolterman	Quick	Walz
Bolz	Hansen	Krist	Scheer	Wayne
Chambers	Harr	McCollister	Schumacher	Williams
Crawford	Howard	Morfeld	Stinner	Wishart

Voting in the negative, 19:

Albrecht	Briese	Geist	Kuehn	Murante
Bostelman	Clements	Halloran	Lindstrom	Smith
Brasch	Craighead	Hilgers	Linehan	Watermeier
Brewer	Erdman	Hilkemann	Lowe	

Present and not voting, 4:

Friesen	Hughes	McDonnell	Riepe
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Excused and not voting, 1:

Larson

The Stinner amendment was adopted with 25 ayes, 19 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Stinner offered the following amendment:

AM1279

(Amendments to Standing Committee amendments, AM590)

1 1. Purpose: Increase personal services limitations to the Governor's  
2 requested level.

3 Amendment:

4 a. On page 10, line 13, strike "525,907" and insert "551,355" and  
5 strike "529,864" and insert "555,111"; in line 21 strike "838,956" and  
6 insert "904,118" and strike "845,662" and insert "913,000"; and in line  
7 29 strike "9,718" and insert "24,578" and strike "9,904" and insert  
8 "24,674".

9 2. Purpose: Provide a reappropriation of the cash fund balance in  
10 amount up to \$1,708,838 to allow the Division of Vocational  
11 Rehabilitation of the State Department of Education to match up to  
12 \$6,200,000 of federal funds to provide employment opportunities for  
13 persons with developmental disabilities.

14 Amendment:

15 a. On page 23, after line 30 insert the following new paragraph:  
16 "The unexpended Cash Fund appropriation balance existing on June 30,  
17 2017, up to \$1,708,838, is hereby reappropriated."

18 3. Purpose: Transfer 37.0 FTE from the administration budget program  
19 in the Department of Health and Human Services to the administration  
20 budget program in the Department of Veterans' Affairs pursuant to the  
21 passage of Legislative Bill 340, One Hundred Fifth Legislature, First  
22 Session.

23 Amendment:

24 a. On page 38, strike line 28 and insert "GENERAL FUND 138,357,488  
25 141,103,143";

26 b. On page 39, strike line 2 and insert "PROGRAM TOTAL 485,391,785  
1 475,911,413"; and strike line 3 and insert "SALARY LIMIT 153,784,867  
2 153,834,679"; and



3 c. On page 63, strike line 8 and insert "GENERAL FUND 2,267,869  
4 2,325,561"; after line 8 insert "CASH FUND 640,000 640,000 FEDERAL FUND  
5 est. 1,010,000 1,010,000"; strike line 9 and insert "PROGRAM TOTAL  
6 3,917,869 3,975,561"; and strike line 10 and insert "SALARY LIMIT  
7 2,448,665 2,471,770".

8 4. Purpose: Reduce the General Fund appropriation for the Game and  
9 Parks Commission, Program No. 549 - Parks - Administration and Operation,  
10 by an additional \$246,300 General Funds each year of the biennium and  
11 increase the Cash Fund appropriation by the same amount as an offset.

12 Amendment:

13 a. On page 72, strike line 5 and insert "GENERAL FUND 6,790,396  
14 6,851,295"; and strike line 6 and insert "CASH FUND 20,325,539  
15 21,332,057".

16 5. Purpose: Provide additional spending authority and personal  
17 services limitations for the Communications Division of the Department of  
18 Administrative Services for employees being shifted from the Department  
19 of Labor.

20 Amendment:

21 a. On page 96, strike lines 2 through 4 and insert:

22 "REVOLVING FUND 41,870,434 41,927,123

23 PROGRAM TOTAL 41,870,434 41,927,123

24 SALARY LIMIT 3,976,517 4,016,188".

25 6. Purpose: Make a transfer from a fund in the State Treasurer's  
26 Office.

27 Amendment:

28 a. On page 141, line 21, strike "and"; in line 25 strike the period

29 and insert "; and"; and after line 25 insert the following new

30 subdivision:

31 "(ll) From the Escheat Trust Fund to the General Fund: \$1,400,000 on  
1 or before June 30, 2018, on such dates and in such amounts as directed by  
2 the budget administrator of the budget division of the Department of  
3 Administrative Services."

The Stinner amendment was adopted with 30 ayes, 4 nays, 14 present and  
not voting, and 1 excused and not voting.

Senator Stinner offered the following amendment:

AM1193

(Amendments to Standing Committee amendments, AM590)

1 1. Purpose: Accurately reflect a shift of General Fund resources to

2 a Cash Fund program in the Auditor of Public Accounts office.

3 Amendment:

4 a. On page 12, strike lines 16 and 17 and insert:

5 "GENERAL FUND 2,445,910 2,473,387 PROGRAM TOTAL 2,445,910

6 2,473,387"; and strike lines 22 through 24 and insert:

7 "CASH FUND 1,994,093 2,027,141 PROGRAM TOTAL 1,994,093 2,027,141

8 SALARY LIMIT 1,620,163 1,641,616".

9 2. Purpose: Correct a reference to fiscal years.

10 Amendment:

- 11 a. On page 15, line 19, strike "2017-2019" and insert "2019-2021".
- 12 3. Purpose: Rename a subprogram in the State Department of Education
- 13 to reflect its current activities.
- 14 Amendment:
- 15 a. On page 18, strike line 30 and insert "No. 442 - Communications".
- 16 4. Purpose: To correct a drafting error.
- 17 Amendment:
- 18 a. On page 32, strike lines 23 through 27 and insert:
- 19 "GENERAL FUND 6,137,109 6,198,024 CASH FUND 7,833,466 7,966,565
- 20 FEDERAL FUND est. 4,260,234 4,282,715 REVOLVING FUND 653,930 671,278
- 21 PROGRAM TOTAL 18,884,739 19,118,582".
- 22 5. Purpose: To incorporate the reductions contained in LB225.
- 23 Amendment:
- 24 a. On page 38, strike line 28 and insert "GENERAL FUND 140,832,759
- 25 143,617,057"; and strike line 29 and insert "CASH FUND 26,471,999
- 26 26,607,533".
- 1 6. Purpose: To correct an earmark.
- 2 Amendment:
- 3 a. On page 44, line 3, strike "\$102,845,262" and insert
- 4 "\$102,895,262".
- 5 7. Purpose: Increase TANF funds for economic assistance to free up
- 6 General Funds for post-adoption services and align estimated expenditures
- 7 for the State Disability Program with historical expenditures.
- 8 Amendment:
- 9 a. On page 44, strike line 28 and insert:
- 10 "GENERAL FUND 104,794,067 104,794,067"; and strike line 30 and
- 11 insert:
- 12 "FEDERAL FUND est. 110,125,004 110,125,004";
- 13 b. On page 45, strike line 1 and insert "PROGRAM TOTAL 218,479,071
- 14 218,479,071"; in line 3 strike "\$108,094,067" and insert "\$104,794,067"
- 15 and strike "\$108,525,004" and insert "\$110,125,004"; in line 6 strike
- 16 "\$108,094,067" and insert "\$104,794,067"; and in line 7 strike
- 17 "\$108,525,004" and insert "\$110,125,004";
- 18 c. On page 48, strike line 14 and insert:
- 19 "GENERAL FUND 166,708,214 166,708,214"; strike line 16 and insert:
- 20 "FEDERAL FUND est. 29,352,073 29,352,073"; in line 19 strike
- 21 "\$165,108,214" and insert "\$166,708,214" and strike "\$30,952,073" and
- 22 insert "\$29,352,073"; in line 22 strike "\$165,108,214" and insert
- 23 "\$166,708,214"; and in line 23 strike "\$30,952,073" and insert
- 24 "\$29,352,073"; and
- 25 d. On page 49, strike lines 1 through 6.
- 26 8. Purpose: Clarify distribution of the \$200,000 in cash funds for
- 27 public health departments.
- 28 Amendment:
- 29 a. On page 53, line 10, after the period insert "Included in the
- 30 cash funds in this section is \$200,000 each year to be distributed
- 31 equally among the eighteen public health departments.".
- 1 9. Purpose: Eliminate unnecessary earmark language for the
- 2 Department of Roads.

## 3 Amendment:

4 a. On page 62, strike lines 13 through 30.

5 10. Purpose: Reduce the cash fund appropriation for the Motor

6 Vehicle Industry Licensing Board to reflect an annual savings of \$7,600

7 if Legislative Bill 346 is passed by the One Hundred Fifth Legislature,

8 First Session, 2017.

9 a. On page 76, after line 7 insert the following paragraph:

10 "The cash fund appropriation shown for this program for FY2017-18 is

11 reduced by \$7,600 if Legislative Bill 346, One Hundred Fifth Legislature,

12 First Session, 2017, becomes law. The cash fund appropriation shown for

13 this program for FY2018-19 is reduced by \$7,600 if Legislative Bill 346,

14 One Hundred Fifth Legislature, First Session, 2017, becomes law."

15 11. Purpose: Eliminate an earmark for FY2017-18.

## 16 Amendment:

17 a. On page 84, strike beginning with "\$3,000,000" in line 17 through

18 "and" in line 18 and insert "an additional".

19 12. Purpose: To correct a typographical error.

## 20 Amendment:

21 a. On page 95, line 26, strike "68,805,527" and insert "69,805,527".

22 13. Purpose: Eliminate two funds that terminated July 1, 2016.

## 23 Amendment:

24 a. On page 125, strike beginning with "Tobacco" in line 4 through

25 the comma in line 5.

26 14. Purpose: This correction will insure that the Motor Fuel Tax

27 Enforcement and Collection Cash Fund will be able to meet the financial

28 obligations of the division.

## 29 Amendment:

30 a. On page 138, strike beginning with the third comma in line 15

31 through "2017" in line 16.

1 15. Purpose: This change strikes the transfer of \$150,000 from the

2 Racing Commission's Cash Fund to the General Fund that is duplicative of

3 the transfer found in LB331. The transfer requires a change in the

4 substantive language of section 2-1222 to permit the transfer to the

5 General Fund; that change is found in LB331, AM594, section 16.

## 6 Amendment:

7 a. On page 141, strike lines 14 through 17; in line 18 strike "(jj)

8 and insert "(ii)"; and in line 22 strike "(kk)" and insert "(jj)".

9 16. Purpose: Correction of transfers that were supposed to be

10 included in the original Appropriations Committee Amendment (AM590), but

11 were left out in error.

## 12 Amendment:

13 a. On page 141, line 21, strike "and"; and in line 25 after

14 "Services" insert: ";

15 (kk) From the Treasury Management Cash Fund to the General Fund:

16 \$150,000 on or before June 30, 2018, on such dates and in such amounts as

17 directed by the budget administrator of the budget division of the

18 Department of Administrative Services; and

19 (ll) From the life insurance corporation demutualization trust fund

20 to the General Fund: \$400,000 on or before June 30, 2018, on such dates

21 and in such amounts as directed by the budget administrator of the budget  
 22 division of the Department of Administrative Services".  
 23 17. Purpose: Correct reference to the proper year.  
 24 Amendment:  
 25 a. On page 143, line 18, strike "2017" and insert "2018".

### **PRESIDENT FOLEY PRESIDING**

The Stinner amendment was adopted with 26 ayes, 5 nays, 17 present and not voting, and 1 excused and not voting.

Senator Craighead offered her amendment, AM1255, found on page 1290.

Senator Craighead moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Craighead requested a roll call vote on her amendment.

Voting in the affirmative, 22:

Albrecht	Clements	Halloran	Linehan	Smith
Bostelman	Craighead	Hilgers	Lowe	Watermeier
Brasch	Erdman	Hughes	McDonnell	
Brewer	Friesen	Kuehn	Murante	
Briese	Geist	Lindstrom	Riepe	

Voting in the negative, 12:

Baker	Crawford	Kolowski	Pansing Brooks
Blood	Hansen	Krist	Schumacher
Chambers	Harr	Morfeld	Wishart

Present and not voting, 14:

Bolz	Hilkemann	McCollister	Stinner	Wayne
Ebke	Howard	Quick	Vargas	Williams
Groene	Kolterman	Scheer	Walz	

Excused and not voting, 1:

Larson

The Craighead amendment lost with 22 ayes, 12 nays, 14 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Wayne withdrew his amendment, AM1224, found on page 1244.

Senator Wayne offered his amendment, AM1229, found on page 1290.

Senator Wayne withdrew his amendment.

Senator Pansing Brooks withdrew her amendments, AM1222 and AM1231, found on pages 1244 and 1245.

Senator Chambers withdrew his amendments, FA70 and FA71, found on page 1245.

Senator Schumacher withdrew his amendment, AM1233, found on page 1250.

Senator Erdman offered the following amendment:

AM1288

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the budget amounts in effect for fiscal year 2016-17 as amended in
- 3 LB22 in this legislative session and provision for using the Cash Reserve
- 4 Fund for payment of the increases in salaries for state employees
- 5 negotiated by collective bargaining and health insurance increases for
- 6 the 2017-19 biennium.

Senator Murante moved the previous question. The question is, "Shall the debate now close?"

Senator Erdman moved for a call of the house. The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

The motion to cease debate prevailed with 25 ayes, 19 nays, 4 present and not voting, and 1 excused and not voting.

The Erdman amendment lost with 19 ayes, 10 nays, 19 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

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

Advanced to Enrollment and Review for Engrossment with 28 ayes, 18 nays, 2 present and not voting, and 1 excused and not voting.

### **VISITORS**

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

**ADJOURNMENT**

At 9:02 p.m., on a motion by Senator Briese, the Legislature adjourned until 9:00 a.m., Thursday, May 4, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTY-SIXTH DAY - MAY 4, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**SEVENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 4, 2017

**PRAYER**

The prayer was offered by Pastor Gretchen Ritola, St. Luke and St. Paul's Lutheran Churches, Emerson.

**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 Hansen, Kolowski, Kolterman, Kuehn, Murante, Watermeier, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-fifth day was approved.

**SELECT FILE**

**LEGISLATIVE BILL 331.** ER85, found on page 1299, was adopted.

Senator Stinner withdrew his amendment, AM494, found on page 636.

Senator Stinner offered the following amendment:  
AM1285

(Amendments to E & R amendments, ER85)

- 1 1. Purpose: Correction of transfers that were supposed to be
- 2 included in the original Appropriations Committee Amendment (AM594), but
- 3 were left out in error.
- 4 Amendment:
- 5 a. Insert the following new sections:
- 6 Sec. 31. Section 66-204, Revised Statutes Cumulative Supplement,
- 7 2016, is amended to read:
- 8 66-204 (1) The Clean-burning Motor Fuel Development Fund is created.
- 9 The fund shall consist of grants, private contributions, and all other
- 10 sources.

11 (2) The fund shall be used by the State Energy Office to provide  
12 rebates under the Nebraska Clean-burning Motor Fuel Development Act up to  
13 the amount transferred under subsection (3) of this section. No more than  
14 thirty-five percent of the money in the fund annually shall be used as  
15 rebates for flex-fuel dispensers. The State Energy Office may use the  
16 fund for necessary costs in the administration of the act up to an amount  
17 not exceeding ten percent of the fund annually.

18 (3) Within five days after August 30, 2015, the State Treasurer  
19 shall transfer five hundred thousand dollars from the General Fund to the  
20 Clean-burning Motor Fuel Development Fund to carry out the Nebraska  
21 Clean-burning Motor Fuel Development Act.

22 (4) Any money in the fund available for investment shall be invested  
23 by the state investment officer pursuant to the Nebraska Capital  
24 Expansion Act and the Nebraska State Funds Investment Act.

25 (5) The State Treasurer shall transfer two hundred thousand dollars  
26 from the Clean-burning Motor Fuel Development Fund to the General Fund on  
1 or before June 30, 2018, on such dates and in such amounts as directed by  
2 the budget administrator of the budget division of the Department of  
3 Administrative Services.

4 Sec. 35. Section 68-940.01, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 68-940.01 The State Medicaid Fraud Control Unit Cash Fund is  
7 created. The fund shall be maintained by the Department of Justice and  
8 administered by the Attorney General. The fund shall consist of any  
9 recovery for the state's costs and attorney's fees received pursuant to  
10 subdivision (2)(b) of section 68-940 and sections 68-936 and 68-939,  
11 except criminal penalties, whether such recovery is by way of verdict,  
12 judgment, compromise, or settlement in or out of court, or other final  
13 disposition of any case or controversy under such subdivision or  
14 sections. Money in the fund shall be used to pay the salaries and related  
15 expenses of the Department of Justice for the state medicaid fraud  
16 control unit.

17 The State Treasurer shall transfer five hundred thousand dollars  
18 from the State Medicaid Fraud Control Unit Cash Fund to the General Fund  
19 on or before June 30, 2018, on such dates and in such amounts as directed  
20 by the budget administrator of the budget division of the Department of  
21 Administrative Services.

22 Any money in the fund available for investment shall be invested by  
23 the state investment officer pursuant to the Nebraska Capital Expansion  
24 Act and the Nebraska State Funds Investment Act.

25 b. On page 63, line 20, after "60-3,218," insert "68-940.01,"; and  
26 in line 23 after "61-218," insert "66-204,".

27 c. Renumber the remaining sections accordingly.

28 2. Purpose: Change timing of a transfer.

29 Amendment:

30 a. On page 9, strike beginning with "or" in line 13 through "2017"  
31 in line 14 and insert "July 1, 2017, or as soon thereafter as  
1 administratively possible"; and in line 16 strike "July 1" and insert  
2 "July 8".



3 b. On page 10, strike beginning with "or" in line 16 through "2017"  
 4 in line 17 and insert "July 1, 2017, or as soon thereafter as  
 5 administratively possible"; and in line 19 strike "July 1" and insert  
 6 "July 8".

7 3. Purpose: Properly identify transfer language.

8 Amendment:

9 a. On page 61, line 26, after the second "Act" insert ", and for the  
 10 period July 1, 2017, through June 30, 2019, any interest earned by the  
 11 fund shall be credited to the General Fund"; and strike lines 27 through  
 12 29.

13 b. On page 62, line 25, strike "(1)".

14 c. On page 63, line 15, after "Act" insert ", and for the period  
 15 July 1, 2017, through June 30, 2019, any interest earned by the fund  
 16 shall be credited to the General Fund"; and strike lines 16 through 18.

Senator Stinner moved for a call of the house. The motion prevailed with 28  
 ayes, 1 nay, and 20 not voting.

The Stinner amendment was adopted with 26 ayes, 3 nays, 11 present and  
 not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Stinner offered the following amendment:

AM1278

(Amendments to E & R amendments, ER85)

1 1. Insert the following new sections:

2 Sec. 39. 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 and one-half percent nor more than seven  
 17 percent. The purpose of this subdivision is to insure that there shall be  
 18 maintained in the state treasury an adequate General Fund balance,  
 19 considering cash flow, to meet the appropriations and express obligations  
 20 of the state.

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

24 (2) The Speaker of the Legislature and the chairpersons of the  
25 Legislature's Executive Board, Revenue Committee, and Appropriations  
26 Committee shall constitute a committee to be known as the Tax Rate Review  
1 Committee. The Tax Rate Review Committee shall meet with the Tax  
2 Commissioner within ten days after July 15 and November 15 of each year  
3 and shall determine whether the rates for sales tax and income tax should  
4 be changed. In making such determination the committee shall recalculate  
5 the requirements pursuant to the formula set forth in subsection (1) of  
6 this section, taking into consideration the appropriations and express  
7 obligations for any session, all miscellaneous claims, deficiency bills,  
8 and all emergency appropriations. The committee shall prepare an annual  
9 report of its determinations under this section. The committee shall  
10 submit such report electronically to the Legislature and shall append the  
11 tax expenditure report required under section 77-382 and the revenue  
12 volatility report required under section 50-419.02.

13 In the event it is determined by a majority vote of the committee  
14 that the rates must be changed as a result of a regular or special  
15 session or as a result of a change in the Internal Revenue Code of 1986  
16 and amendments thereto, other provisions of the laws of the United States  
17 relating to federal income taxes, and the rules and regulations issued  
18 under such laws, the committee shall petition the Governor to call a  
19 special session of the Legislature to make whatever rate changes may be  
20 necessary.

21 Sec. 41. Section 81-125.01, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 81-125.01 The Governor, when preparing the budget provided for in  
24 section 81-125, and the Legislature, when preparing its proposed budget,  
25 shall include a reserve requirement, calculated pursuant to subsection  
26 (1) of section 77-2715.01, of not less than three percent of the  
27 appropriations included in such budget, except that for the biennium  
28 ending June 30, 2019, the percentage shall not be less than two and one-  
29 half percent.

30 2. On page 63, line 20, before "81-179" insert "81-125.01,"; and in  
31 line 24, after the third comma insert "77-2715.01,".

1 3. Renumber the remaining sections accordingly.

2 4. Purpose: Lower the amount of the transfer to the Water  
3 Sustainability Fund by \$1,200,000 for fiscal year 2018-19.

4 Amendment:

5 a. On page 1, line 15, strike "\$10,670,000" and insert "\$9,470,000".

Senator Morfeld moved the previous question. The question is, "Shall the debate now close?"

Senator Bolz moved for a call of the house. The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Senator Morfeld requested a roll call vote, in reverse ordered, on the motion to cease debate.

Voting in the affirmative, 30:

Baker	Harr	Larson	Pansing Brooks	Vargas
Blood	Hilkemann	Lindstrom	Quick	Walz
Bolz	Howard	McCollister	Riepe	Watermeier
Craighead	Kolowski	McDonnell	Scheer	Wayne
Crawford	Kolterman	Morfeld	Smith	Williams
Ebke	Krist	Murante	Stinner	Wishart

Voting in the negative, 13:

Albrecht	Brewer	Erdman	Halloran	Schumacher
Bostelman	Briese	Friesen	Hughes	
Brasch	Clements	Groene	Low	

Present and not voting, 5:

Chambers	Geist	Hansen	Hilgers	Linehan
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Excused and not voting, 1:

Kuehn

The motion to cease debate prevailed with 30 ayes, 13 nays, 5 present and not voting, and 1 excused and not voting.

The Stinner amendment was adopted with 32 ayes, 15 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Erdman offered the following motion:

MO120

Bracket until June 2, 2017.

#### **SENATOR HUGHES PRESIDING**

Senator Erdman withdrew his motion to bracket.

Advanced to Enrollment and Review for Engrossment.

#### **COMMITTEE REPORT(S)** Enrollment and Review

**LEGISLATIVE BILL 259A.** Placed on Final Reading.

**LEGISLATIVE BILL 451.** Placed on Final Reading.

**LEGISLATIVE BILL 578.** Placed on Final Reading.  
**LEGISLATIVE BILL 647.** Placed on Final Reading.  
**LEGISLATIVE BILL 647A.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Larson filed the following amendment to LB632:

AM86

1 1. On page 2, line 23, strike "residences" and insert "residence  
 2 addresses".

Senator Pansing Brooks filed the following amendment to LB289:

AM1175

(Amendments to E & R amendments, ER39)

1 1. Strike sections 8 and 9 and insert the following new sections:

2 Sec. 8. Section 28-830, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:

4 28-830 For purposes of sections 28-830 and 28-831, the following  
 5 definitions apply:

6 (1) Actor means a person who solicits, procures, or supervises the  
 7 services or labor of another person;

8 (2) Commercial sexual activity means any sex act on account of which  
 9 anything of value is given, promised to, or received by any person;

10 (3) Debt bondage means inducing another person to provide:

11 (a) Commercial sexual activity in payment toward or satisfaction of  
 12 a real or purported debt; or

13 (b) Labor or services in payment toward or satisfaction of a real or  
 14 purported debt if:

15 (i) The reasonable value of the labor or services is not applied  
 16 toward the liquidation of the debt; or

17 (ii) The length of the labor or services is not limited and the  
 18 nature of the labor or services is not defined;

19 (4) Financial harm means theft by extortion as described by section  
 20 28-513;

21 (5) Forced labor or services means labor or services that are  
 22 performed or provided by another person and are obtained or maintained  
 23 through:

24 (a) Inflicting or threatening to inflict serious personal injury, as  
 25 defined by section 28-318, on another person;

26 (b) Physically restraining or threatening to physically restrain the  
 1 other person;

2 (c) Abusing or threatening to abuse the legal process against  
 3 another person to cause arrest or deportation for violation of federal  
 4 immigration law;

5 (d) Controlling or threatening to control another person's access to  
 6 a controlled substance listed in Schedule I, II or III of section 28-405;

7 (e) Exploiting another person's substantial functional impairment as

8 defined in section 28-368 or substantial mental impairment as defined in  
9 section 28-369;

10 (f) Knowingly destroying, concealing, removing, confiscating, or  
11 possessing any actual or purported passport or other immigration document  
12 or any other actual or purported government identification document of  
13 the other person; or

14 (g) Causing or threatening to cause financial harm to another  
15 person, including debt bondage;

16 (6) Labor or services means work or activity of economic or  
17 financial value;

18 (7) Labor trafficking means knowingly recruiting, enticing,  
19 harboring, transporting, providing, or obtaining by any means or  
20 attempting to recruit, entice, harbor, transport, provide, or obtain by  
21 any means a person eighteen years of age or older intending or knowing  
22 that the person will be subjected to forced labor or services;

23 (8) Labor trafficking of a minor means knowingly recruiting,  
24 enticing, harboring, transporting, providing, or obtaining by any means  
25 or attempting to recruit, entice, harbor, transport, provide, or obtain  
26 by any means a minor intending or knowing that the minor will be  
27 subjected to forced labor or services;

28 (9) Maintain means, in relation to labor or services, to secure  
29 continued performance thereof, regardless of any initial agreement by the  
30 other person to perform such type of service;

31 (10) Minor means a person younger than eighteen years of age;

1 ~~(11) Obtain means, in relation to labor or services, to secure~~  
2 ~~performance thereof;~~

3 ~~(12) Services means an ongoing relationship between the actor and~~  
4 ~~another person in which the person performs activities under the~~  
5 ~~supervision of or for the benefit of the actor. Commercial sexual~~  
6 ~~activity and sexually explicit performances are forms of services under~~  
7 ~~this section. Nothing in this subdivision shall be construed to legalize~~  
8 ~~prostitution;~~

9 (11) (13) Sex trafficking means knowingly  
10 recruiting, enticing, harboring, transporting, providing, soliciting, or  
11 obtaining by any means or knowingly attempting to recruit, entice,  
12 harbor, transport, provide, solicit, or obtain by any means a person  
13 eighteen years of age or older for the purpose of having such person  
14 engage without consent, as defined in section 28-318, in commercial  
15 sexual activity, sexually explicit performance, or the production of  
16 pornography or  
17 to cause or attempt to cause a person eighteen years of age or older to  
18 engage without consent, as defined in section 28-318, in commercial  
19 sexual activity, sexually explicit performance, or the production of  
20 pornography;

21 (12) (14) Sex trafficking of a minor means knowingly  
22 recruiting, enticing, harboring, transporting, providing, soliciting, or  
23 obtaining by any means or knowingly attempting to recruit, entice,  
24 harbor, transport, provide, solicit, or obtain by any means a minor for  
25 the purpose of having such minor engage in commercial sexual activity,

26 sexually explicit performance, or the production of pornography or  
 27 to cause or attempt to cause a minor to engage in commercial sexual  
 28 activity, sexually explicit performance, or the production of  
 29 pornography;  
 30 ~~(13) (15) Sexually-explicit performance means a live or public play,~~  
 31 ~~dance, show, or other exhibition intended to arouse or gratify sexual~~  
 1 ~~desire or to appeal to prurient interests; and~~  
 2 ~~(14) (16) Trafficking victim means a person subjected to any act or~~  
 3 ~~acts prohibited by section 28-831.~~  
 4 Sec. 9. Section 28-831, Reissue Revised Statutes of Nebraska, is  
 5 amended to read:  
 6 28-831 (1) Any person who engages in labor trafficking of a minor or  
 7 sex trafficking of a minor is guilty of a Class ~~IB II~~ II felony if the actor  
 8 ~~uses overt force or the threat of force or the trafficking victim has not~~  
 9 ~~yet attained the age of sixteen years. Any person who otherwise engages~~  
 10 ~~in labor trafficking of a minor or sex trafficking of a minor is guilty~~  
 11 ~~of a Class IIA felony.~~  
 12 (2) Any person who engages in labor trafficking or sex trafficking  
 13 ~~by inflicting or threatening to inflict serious personal injury, as~~  
 14 ~~defined in section 28-318, on another person or physically restrains or~~  
 15 ~~threatens to physically restrain another person is guilty of a Class IIA~~  
 16 ~~felony. Any person who otherwise engages in labor trafficking or sex~~  
 17 ~~trafficking is guilty of a Class II III felony.~~  
 18 (3) Any person, other than a trafficking victim, who knowingly  
 19 benefits from or participates in a venture which has, as part of the  
 20 venture, an act that is in violation of this section is guilty of a Class  
 21 ~~IIA IIIA~~ IIA felony.  
 22 (4) It is not a defense in a prosecution under this section (a) that  
 23 consent was given by the minor victim, (b) that the defendant believed  
 24 that the minor victim gave consent, or (c) that the defendant believed  
 25 that the minor victim was an adult.

### RESOLUTION(S)

**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 Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. 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. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as deemed necessary by the committee.

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

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR127 was referred to the Reference Committee.

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR127	Executive Board

(Signed) Dan Watermeier, Chairperson  
Executive Board

#### **VISITORS**

Visitors to the Chamber were Shelby Utech from Hubbard; 30 fourth-grade students from Alcott Elementary, Hastings; 25 fourth-grade students from Tri County Elementary, DeWitt; Open World Leadership Center Delegation from Ukraine, hosted by Heartland Family Service; 12 distinguished government and military leaders from the Czech Republic; and 7 sixth-through eighth-grade students from Springdale Christian School, Scotia.

#### **RECESS**

At 11:58 a.m., on a motion by Senator Kuehn, the Legislature recessed until 1:30 p.m.

#### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

#### **ROLL CALL**

The roll was called and all members were present except Senator Brewer who was excused; and Senators Harr, Larson, McCollister, and Wayne who were excused until they arrive.



## SELECT FILE

**LEGISLATIVE BILL 332.** Senator Stinner offered the following amendment:

AM1298

(Amendments to Standing Committee amendments, AM595)

- 1 1. Purpose: Make \$125 million of transfers in FY2017-18 and \$48
- 2 million of transfers in FY2018-19.
- 3 a. Strike the original sections and all amendments thereto and
- 4 insert the following new sections:
- 5 Section 1. Section 84-612, Revised Statutes Cumulative Supplement,
- 6 2016, is amended to read:
- 7 84-612 (1) There is hereby created within the state treasury a fund
- 8 known as the Cash Reserve Fund which shall be under the direction of the
- 9 State Treasurer. The fund shall only be used pursuant to this section.
- 10 (2) The State Treasurer shall transfer funds from the Cash Reserve
- 11 Fund to the General Fund upon certification by the Director of
- 12 Administrative Services that the current cash balance in the General Fund
- 13 is inadequate to meet current obligations. Such certification shall
- 14 include the dollar amount to be transferred. Any transfers made pursuant
- 15 to this subsection shall be reversed upon notification by the Director of
- 16 Administrative Services that sufficient funds are available.
- 17 (3) In addition to receiving transfers from other funds, the Cash
- 18 Reserve Fund shall receive federal funds received by the State of
- 19 Nebraska for undesignated general government purposes, federal revenue
- 20 sharing, or general fiscal relief of the state.
- 21 (4) The State Treasurer, at the direction of the budget
- 22 administrator of the budget division of the Department of Administrative
- 23 Services, shall transfer not to exceed forty-three million fifteen
- 24 thousand four hundred fifty-nine dollars in total from the Cash Reserve
- 25 Fund to the Nebraska Capital Construction Fund between July 1, 2013, and
- 26 June 30, ~~2018~~ 2017.
- 1 (5) The State Treasurer shall transfer the following amounts from
- 2 the Cash Reserve Fund to the Nebraska Capital Construction Fund on such
- 3 dates as directed by the budget administrator of the budget division of
- 4 the Department of Administrative Services:
- 5 (a) Seven million eight hundred four thousand two hundred ninety-two
- 6 dollars on or after June 15, 2016, but before June 30, 2016;
- 7 (b) Ten million five thousand one hundred twenty-nine ~~Seven million~~
- 8 ~~one hundred sixty thousand four hundred twelve~~ dollars on or after June
- 9 15, 2019, but before June 30, 2019; and
- 10 (c) Ten million four hundred thirty-one thousand five hundred
- 11 ~~eighty-five~~ Nine million four hundred ninety two thousand five hundred
- 12 ~~sixty-eight~~ dollars on or after June 15, 2021, but before June 30,
- 13 2021. ~~;~~ and
- 14 (d) ~~Three million seven hundred eighty three thousand seven hundred~~
- 15 ~~thirty four~~ dollars after June 15, 2023, but before June 30, 2023.
- 16 (6) The State Treasurer shall transfer seventy-five million two
- 17 hundred fifteen thousand three hundred thirteen dollars from the Cash

18 Reserve Fund to the Nebraska Capital Construction Fund on or before July  
19 31, 2017, on such date as directed by the budget administrator of the  
20 budget division of the Department of Administrative Services.

21 (7) The State Treasurer shall transfer thirty-one million dollars  
22 from the Cash Reserve Fund to the General Fund after July 1, 2017, but  
23 before July 15, 2017, on such date as directed by the budget  
24 administrator of the budget division of the Department of Administrative  
25 Services.

26 (8) The State Treasurer shall transfer thirty-one million dollars  
27 from the Cash Reserve Fund to the General Fund after October 1, 2017, but  
28 before October 15, 2017, on such date as directed by the budget  
29 administrator of the budget division of the Department of Administrative  
30 Services.

31 (9) The State Treasurer shall transfer thirty-one million dollars  
1 from the Cash Reserve Fund to the General Fund after January 1, 2018, but  
2 before January 15, 2018, on such date as directed by the budget  
3 administrator of the budget division of the Department of Administrative  
4 Services.

5 (10) The State Treasurer shall transfer thirty-two million dollars  
6 from the Cash Reserve Fund to the General Fund after April 1, 2018, but  
7 before April 15, 2018, on such date as directed by the budget  
8 administrator of the budget division of the Department of Administrative  
9 Services.

10 (11) The State Treasurer shall transfer forty-eight million dollars  
11 from the Cash Reserve Fund to the General Fund after March 1, 2019, but  
12 before March 15, 2019, on such date as directed by the budget  
13 administrator of the budget division of the Department of Administrative  
14 Services.

15 ~~(6) The State Treasurer shall transfer twenty seven million two~~  
16 ~~hundred seventy five thousand five hundred fifty eight dollars from the~~  
17 ~~Cash Reserve Fund to the Nebraska Capital Construction Fund on or before~~  
18 ~~June 30, 2016, on such date as directed by the budget administrator of~~  
19 ~~the budget division of the Department of Administrative Services.~~

20 ~~(7) The State Treasurer shall transfer thirteen million seven~~  
21 ~~hundred thousand dollars from the Cash Reserve Fund to the Critical~~  
22 ~~Infrastructure Facilities Cash Fund on or before June 30, 2016, on such~~  
23 ~~date as directed by the budget administrator of the budget division of~~  
24 ~~the Department of Administrative Services.~~

25 ~~(8) The State Treasurer shall transfer fifty million dollars from~~  
26 ~~the Cash Reserve Fund to the Transportation Infrastructure Bank Fund, on~~  
27 ~~or after July 1, 2016, but before July 15, 2016, on such date as directed~~  
28 ~~by the budget administrator of the budget division of the Department of~~  
29 ~~Administrative Services for expenditures authorized by sections 39-2803~~  
30 ~~to 39-2807.~~

31 Sec. 2. Original section 84-612, Revised Statutes Cumulative  
1 Supplement, 2016, is repealed.

2 Sec. 3. Since an emergency exists, this act takes effect when  
3 passed and approved according to law.

Senator Krist offered the following motion:

MO121

Bracket until June 2, 2017.

Senator Krist withdrew his motion to bracket.

Senator Krist offered the following amendment to the Stinner amendment:

AM1332 is available in the Bill Room.

Senator Krist withdrew his amendment.

The Stinner amendment was adopted with 29 ayes, 6 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 171.** ER84, found on page 1297, was adopted.

Advanced to Enrollment and Review for Engrossment.

**NOTICE OF COMMITTEE HEARING(S)**

Executive Board

Room 2102

Tuesday, May 16, 2017 12:00 p.m.

LR127

(Signed) Dan Watermeier, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 128.** Introduced by Baker, 30; Bolz, 29.

WHEREAS, Reynolds Davis, KØGND, has been a licensed amateur (ham) radio operator for over 55 years and recently retired from his role as Emergency Coordinator for the Lancaster County Amateur Radio Emergency Services (ARES), which he was appointed to 43 years ago; and

WHEREAS, Mr. Davis served as executive director of the 330-member Lincoln Amateur Radio Club (LARC), leading the way in emergency management, teaching, and recruiting; and

WHEREAS, Mr. Davis established Lancaster County SKYWARN, implemented a volunteer certification program, and organized ARES responses to many emergencies involving dangerous weather, including tornado storm spotting, setting up the first amateur radio station at the Lancaster County Emergency Operations Center, developing software to deploy and track volunteers, forming a storm spotter activation system using subaudible tones on the Lincoln radio repeater, and working with the

National Weather Service (NWS) to provide notice to storm spotters via the NWS weather radio system; and

WHEREAS, Mr. Davis participated in storm damage assessment, made Meals on Wheels deliveries during winter snow storms, worked emergency assistance during telephone outages, volunteered with the American Red Cross beginning in 1971, served as the chairman of the Cornhusker Chapter for the March of Dimes, volunteered as a classroom instructor for Junior Achievement, was a leader in coordinating the Southeast Nebraska Medical Reserve Corps, a ten-county organization that supports community health needs and responses to emergencies in times of crisis, and assisted at such venues as the Lied Center, Pershing Auditorium, Cornhusker State Games, and at marathons; and

WHEREAS, Mr. Davis has been named an Admiral in the Great Navy of the State of Nebraska in recognition of his accomplishments and his dedication to amateur radio.

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

1. That the Legislature honors Reynolds Davis for his service and dedication as an outstanding member of his community and the state.
2. That a copy of this resolution be sent to Reynolds Davis.

Laid over.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 20.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3508, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to homestead exemption certifications; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Baker	Ebke	Hilkemann	Morfeld	Walz
Blood	Erdman	Howard	Murante	Watermeier
Bolz	Friesen	Kolterman	Pansing Brooks	Wayne
Bostelman	Geist	Krist	Quick	Williams
Brasch	Groene	Larson	Riepe	Wishart
Briese	Halloran	Lindstrom	Scheer	
Chambers	Hansen	Linehan	Smith	
Clements	Harr	McCollister	Stinner	
Crawford	Hilgers	McDonnell	Vargas	

Voting in the negative, 0.

Present and not voting, 7:

Albrecht	Hughes	Kuehn	Schumacher
Craighead	Kolowski	Lowe	

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 63.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.10, Revised Statutes Cumulative Supplement, 2016; to change a sales and use tax exemption relating to political events; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 4:

Briese	Hilgers	Hughes	Lowe
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Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 138.** With Emergency Clause.

A BILL FOR AN ACT relating to uniform transfer-on-death security registration; to amend section 30-2734, Reissue Revised Statutes of Nebraska; to define a term; to provide for transfer of business interests; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 142.** With Emergency Clause.

A BILL FOR AN ACT relating to farm product security interests; to amend sections 52-1307 and 52-1603, Revised Statutes Cumulative Supplement, 2016; to redefine effective financing statement; to change provisions relating to the master lien list; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **LEGISLATIVE BILL 154.**

A BILL FOR AN ACT relating to the Safety of Dams and Reservoirs Act; to amend section 46-1657, Reissue Revised Statutes of Nebraska; to provide for the filing of a completion certificate without a filing fee; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 159.** With Emergency Clause.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-537, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to when special assessments are payable; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 176.**

A BILL FOR AN ACT relating to milldams; to repeal provisions relating to milldams; and to outright repeal sections 56-101, 56-115, 56-124, 56-125, 56-126, and 56-127, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "



Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Scheer

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 231.**

A BILL FOR AN ACT relating to the Insurance Producers Licensing Act; to amend section 44-4059, Reissue Revised Statutes of Nebraska; to authorize disciplinary action for failing to maintain a license in good standing as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 234.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Cumulative Supplement, 2016; to update references to the Internal Revenue Code; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Kolterman

Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 239.**

A BILL FOR AN ACT relating to the Burial Pre-Need Sale Act; to amend sections 12-1113 and 12-1114, Reissue Revised Statutes of Nebraska; to change provisions relating to trust funds; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 241.**

A BILL FOR AN ACT relating to the Privacy of Insurance Consumer Information Act; to amend section 44-905, Reissue Revised Statutes of Nebraska; to provide an exception to the requirement to send annual privacy notices; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 255.** With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-101, 38-121, and 38-186, Reissue Revised Statutes of Nebraska, and section 71-448, Revised Statutes Cumulative Supplement, 2016; to adopt the Dialysis Patient Care Technician Registration Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 255A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 255, One Hundred Fifth Legislature, First Session, 2017; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 264.**

A BILL FOR AN ACT relating to the Boiler Inspection Act; to amend section 48-721, Reissue Revised Statutes of Nebraska; to change provisions relating to qualifications of boiler inspectors; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 306.**

A BILL FOR AN ACT relating to the Portable Electronics Insurance Act; to amend sections 44-8502 and 44-8508, Revised Statutes Cumulative Supplement, 2016; to redefine a term; to change provisions relating to notice requirements; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION(S) - Return LB315 to Select File**

Senator Wayne moved to return LB315 to Select File for the following specific amendment:

FA73

Strike the enacting clause.

Senator Wayne withdrew his motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 315.**

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-503, Reissue Revised Statutes of Nebraska; to change provisions relating to the sale or conveyance of real property; to eliminate exceptions for sale by public auction or sealed bid; to eliminate a provision providing for establishment of a minimum price for bidding; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Kolowski      Watermeier

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION(S) - Return LB383 to Select File**

Senator Chambers moved to return LB383 to Select File for the following specific amendment:

FA74

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 383.**

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-2102.01, 18-2715, and 19-926, Reissue Revised Statutes of Nebraska; to change membership provisions for certain community redevelopment authorities, citizen advisory review committees, and planning commissions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.



**LEGISLATIVE BILL 430.**

A BILL FOR AN ACT relating to the Radiation Control Act; to amend section 71-3505, Reissue Revised Statutes of Nebraska; to change powers and duties of the Department of Health and Human Services relative to radiation as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Bostelman

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 455.**

A BILL FOR AN ACT relating to the State Electrical Board; to amend section 81-2104, Reissue Revised Statutes of Nebraska; to change references to a governing code; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 464.** With Emergency Clause.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-907.06, Revised Statutes Cumulative Supplement, 2016; to provide notice to the Secretary of State of adoption, amendment, or repeal of a rule or regulation; to provide a duty for the Secretary of State; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Brewer          Larson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION(S) - Return LB519 to Select File**

Senator Hansen moved to return LB519 to Select File for the following specific amendment:

AM1320

(Amendments to Final Reading copy)

1 1. On page 6, lines 3 through 8, strike the new matter and reinstate  
2 the stricken matter.

The Hansen motion to return prevailed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 519.** The Hansen specific amendment, AM1320, found in this day's Journal, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 558.**

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1201, Reissue Revised Statutes of Nebraska; to define the term knife; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Morfeld

Excused and not voting, 2:

Brewer          Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 645.**

A BILL FOR AN ACT relating to special education; to amend section 79-1118.01, Reissue Revised Statutes of Nebraska; to define a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 2:

Brewer          Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 409.** With Emergency Clause.

A BILL FOR AN ACT relating to school finance; to amend section 79-1015.01, Reissue Revised Statutes of Nebraska, and sections 77-3446, 79-1009, and 79-10,145, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the Tax Equity and Educational Opportunities Support Act; to change the base limitation; to change net option funding; to change the local effort rate; to eliminate obsolete provisions; to change the learning community transition aid calculation; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 3:

McCollister    Stinner          Wayne

Excused and not voting, 2:

Brewer          Larson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 20, 63, 138, 142, 154, 159, 176, 231, 234, 239, 241, 255, 255A, 264, 306, 315, 383, 430, 455, 464, 558, 645, and 409.

**SELECT FILE**

**LEGISLATIVE BILL 44.** Senator Chambers renewed his amendment, FA64, found on page 1073, to the Watermeier amendment, AM1074.

**SPEAKER SCHEER PRESIDING**

Pending.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 4, 2017, at 4:58 p.m. were the following: LBs 20, 63, 138e, 142e, 154, 159e, 176, 231, 234e, 239, 241, 255e, 255Ae, 264, 306, 315, 383, 430, 455, 464e, 558, 645, and 409e.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 578A.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 578, One Hundred Fifth Legislature, First Session, 2017.

**VISITORS**

Visitors to the Chamber were 30 third- and fourth-grade students from Exeter-Milligan Elementary; 28 fourth-grade students from Stanton Elementary; 8 fourth-grade students from St. Mary's School, O'Neill; and 40 fourth- and fifth-grade students from Randolph Elementary.

**RECESS**

At 5:25 p.m., on a motion by Senator Baker, the Legislature recessed until 6:15 p.m.

**AFTER RECESS**

The Legislature reconvened at 6:15 p.m., Speaker Scheer presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Brewer who was excused; and Senators Baker, Bolz, Crawford, Hilkemann, Kolowski, Kolterman, Larson, Lindstrom, McCollister, McDonnell, Morfeld, Murante, Pansing Brooks, Stinner, Vargas, Walz, Wayne, and Williams who were excused until they arrive.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 149.** Placed on Final Reading.

ST29

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER82, on page 1, line 5, "and 202" has been struck and ", 51, 136, 202, and 245" inserted; and in line 6 "and 92" has been struck and ", 35, 68, 92, and 114" inserted.

2. In the Standing Committee amendments, AM962, on page 19, line 13, "and 202" has been struck and ", 51, 136, 202, and 245" inserted; and in line 14 "and 92" has been struck and ", 35, 68, 92, and 114" inserted.

**LEGISLATIVE BILL 171.** Placed on Final Reading.

**LEGISLATIVE BILL 327.** Placed on Final Reading.

ST30

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Stinner amendment, AM1279:

a. On page 2, line 28, "and insert a semicolon;" has been inserted after "period" and in line 29 the matter beginning with the first "and" through the last semicolon has been struck; and in line 31 "(ll)" has been struck and "(kk)" inserted; and

b. On page 3, line 3, the first period has been struck and a semicolon inserted.

2. In the Stinner amendment, AM1193, on page 4, the matter beginning with "in" in line 13 through line 14 has been struck and "after line 25 insert the following new subdivisions:" inserted; in line 15, "(kk)" has been struck and "(ll)" inserted; in line 19 "(ll)" has been struck and "(mm)" inserted; and in line 22 a period has been inserted after "Services".

3. In the Standing Committee amendments, AM590:

a. On page 38, line 28 and all amendments thereto has been struck and "GENERAL FUND 138,057,488 140,803,143" inserted;

b. On page 46, line 31, "Services" has been inserted after "Medicaid";

c. On page 135, line 5, the first occurrence of "Nebraska" has been struck and "State" inserted; and

d. On page 140, line 10, the period has been struck and a semicolon inserted.

**LEGISLATIVE BILL 328.** Placed on Final Reading.

**LEGISLATIVE BILL 329.** Placed on Final Reading.

**LEGISLATIVE BILL 330.** Placed on Final Reading.

ST28

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM593, on page 21, line 3, "Nos." has been struck and "No." inserted; and in line 8 "(3)" has been struck and "(4)" inserted.

**LEGISLATIVE BILL 331.** Placed on Final Reading.

ST31

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Stinner amendment, AM1278, sections 39 and 41 have been renumbered as sections 41 and 43.

2. In the E & R Amendments, ER85:

a. On page 63, line 31, "68-940.01," has been inserted after "60-3,218," and "81-125.01," has been inserted after "71-7450,"; and

b. On page 64, line 3, "66-204," has been inserted after "61-218," and "77-2715.01," has been inserted after the last comma; and in line 8 "to change the reserve requirement;" has been inserted after the semicolon.

**LEGISLATIVE BILL 332.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

#### **SELECT FILE**

**LEGISLATIVE BILL 44.** The Chambers amendment, FA64, found on page 1073 and considered in this day's Journal, to the Watermeier amendment, AM1074, was renewed.

#### **SENATOR LINDSTROM PRESIDING**

Pending.



**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 129.** Introduced by Kolowski, 31; Pansing Brooks, 28.

**PURPOSE:** Current education standards in Nebraska generally mandate that students analyze events in world history; however, there is no requirement for students to learn about any particular events, including genocides and, specifically, the Holocaust. The Holocaust represents one of the most horrific periods of human history, and it is imperative that students learn about it and other genocides and the conditions under which such events occur.

The purpose of this study is to examine the current level of education regarding genocides in primary and secondary education and to explore examples and best practices for incorporating the study of the Holocaust and other genocides into the curriculum.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**AMENDMENT(S) - Print in Journal**

Senator Harr filed the following amendment to LB512:  
AM1346 is available in the Bill Room.

**VISITORS**

Visitor to the Chamber was Michelle Grove.

**ADJOURNMENT**

At 7:41 p.m., on a motion by Senator Schumacher, the Legislature adjourned until 9:00 a.m., Friday, May 5, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-SEVENTH DAY - MAY 5, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****SEVENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, May 5, 2017

**PRAYER**

The prayer was offered by Pastor Brian Johnson, First Presbyterian Church, 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 McDonnell and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-sixth day was approved.

**AMENDMENT(S) - Print in Journal**

Senator Larson filed the following amendment to LB632:  
AM87

1 1. On page 4, line 19, strike the second comma.

Senator Larson filed the following amendment to LB632:  
AM88

(Amendments to Final Reading copy)

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

**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>

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of May 4, 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

Anderson, Linda  
Bold Alliance, Inc. (Withdrawn 05/03/2017)  
Bromm Nielsen & Mines  
Douglas County West Community Schools  
Hunzeker, Mark A.  
Rath, Douglas and Kimberly (Withdrawn 05/01/2017)  
Yaki, Michael  
Renovate America, Inc. (Withdrawn 05/01/2017)

**WITHDRAW - Amendment to LB512**

Senator Harr withdrew his amendment, AM1204, found on page 1223, to LB512.

**MOTION(S) - Return LB512 to Select File**

Senator Harr moved to return LB512 to Select File for his specific amendment, AM1346, found on page 1361.

The Harr motion to return prevailed with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 512.** The Harr specific amendment, AM1346, found on page 1361, was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 415.** Committee AM923, found on page 975 and considered on page 1298, as amended, was renewed.

Senator Walz renewed her amendment, AM1219, found on page 1273 and considered on page 1299, to the committee amendment.

Senator Erdman offered the following motion:

MO122

Recommit to the Nebraska Retirement Systems Committee.

Senator Erdman withdrew his motion to recommit to committee.

Senator Pansing Brooks offered the following motion:

MO123

Recommit to the Nebraska Retirement Systems Committee.

Senator Pansing Brooks withdrew her motion to recommit to committee.

Senator Walz withdrew her amendment.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 289.** ER39, found on page 867, was adopted.

Senator Pansing Brooks offered her amendment, AM1175, found on page 1332.

The Pansing Brooks amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Morfeld offered the following amendment:

AM1331

(Amendments to E&R amendments, ER39)

1 1. Strike original sections 10 and 14 and insert the following new  
2 sections:

3 Sec. 10. Section 28-1206, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 28-1206 (1) A person commits the offense of possession of a deadly  
6 weapon by a prohibited person if he or she:

7 (a) ~~Possesses Any person who possesses~~ a firearm, a knife, or brass  
8 or iron knuckles and ~~he or she:~~

9 (i) ~~Has who has~~ previously been convicted of a felony;

10 (ii) ~~Is , who is~~ a fugitive from justice;

11 (iii) ~~Is , or who is~~ the subject of a current and validly issued

12 domestic violence protection order;

13 harassment protection order, or sexual assault protection order and is

14 knowingly violating such order; or

15 (b) ~~Possesses , or (b) any person who possesses~~ a firearm or brass

16 or iron knuckles and he or she ~~who~~ has been convicted within the past

17 seven years of a misdemeanor crime of domestic violence, ~~commits the~~  
 18 ~~offense of possession of a deadly weapon by a prohibited person.~~

19 (2) The felony conviction may have been had in any court in the  
 20 United States, the several states, territories, or possessions, or the  
 21 District of Columbia.

22 (3)(a) Possession of a deadly weapon which is not a firearm by a  
 23 prohibited person is a Class III felony.

24 (b) Possession of a deadly weapon which is a firearm by a prohibited  
 25 person is a Class ID felony for a first offense and a Class IB felony for  
 26 a second or subsequent offense.

1 ~~(4)(a)~~ ~~(4)(a)(i)~~ For purposes of this section, misdemeanor crime of  
 2 domestic violence means a crime that:

3 ~~(i) Is (A)(I) A crime that is classified as a misdemeanor under the~~  
 4 ~~laws of the United States or the District of Columbia or the laws of any~~  
 5 ~~state, territory, possession, or tribe;~~

6 ~~(ii) Has (II) A crime that has, as an element, the use or attempted~~  
 7 ~~use of physical force or the threatened use of a deadly weapon; and~~

8 ~~(iii) Is (III) A crime that is committed by another against his or~~  
 9 ~~her spouse, his or her former spouse, a person with whom he or she has a~~  
 10 ~~child in common whether or not they have been married or lived together~~  
 11 ~~at any time, or a person with whom he or she is or was involved in a~~  
 12 ~~dating relationship as defined in section 28-323; or~~

13 ~~(b) For purposes of this section, misdemeanor crime of domestic~~  
 14 ~~violence also includes the following offenses, if committed by a person~~  
 15 ~~against his or her spouse, his or her former spouse, a person with whom~~  
 16 ~~he or she is or was involved in a dating relationship as defined in~~  
 17 ~~section 28-323, or a person with whom he or she has a child in common~~  
 18 ~~whether or not they have been married or lived together at any time:~~

19 ~~(i) (B)(I) Assault in the third degree under section 28-310; ;~~

20 ~~(ii) Stalking stalking under subsection (1) of section 28-311.04; ;~~

21 ~~(iii) False false imprisonment in the second degree under section~~  
 22 ~~28-315; ;~~

23 ~~(iv) First or first offense domestic assault in the third degree~~  
 24 ~~under subsection (1) of section 28-323; or~~

25 ~~(v) Any any attempt or conspiracy to commit any one of such these~~  
 26 ~~offenses; ; and~~

27 ~~(II) The crime is committed by another against his or her spouse,~~  
 28 ~~his or her former spouse, a person with whom he or she has a child in~~  
 29 ~~common whether or not they have been married or lived together at any~~  
 30 ~~time, or a person with whom he or she is or was involved in a dating~~  
 31 ~~relationship as defined in section 28-323.~~

1 ~~(c) (ii) A person shall not be considered to have been convicted of~~  
 2 ~~a misdemeanor crime of domestic violence unless:~~

3 ~~(i) (A) The person was represented by counsel in the case or~~  
 4 ~~knowingly and intelligently waived the right to counsel in the case; and~~

5 ~~(ii) (B) In the case of a prosecution for a misdemeanor crime of~~  
 6 ~~domestic violence for which a person was entitled to a jury trial in the~~  
 7 ~~jurisdiction in which the case was tried, either:~~

8 ~~(A) (†) The case was tried to a jury; or~~

9 ~~(B)~~ ~~(H)~~ The person knowingly and intelligently waived the right to  
10 have the case tried to a jury.  
11 ~~(5)~~ ~~(b)~~ For purposes of this section:  
12 ~~(a) Domestic~~, ~~subject of a current and validly issued domestic~~  
13 ~~violence protection order means a protection order pertains to a current~~  
14 ~~court order that was validly issued pursuant to section 28-311.09 or~~  
15 ~~42-924;~~  
16 ~~(b) Harassment protection order means a protection order issued~~  
17 ~~pursuant to section 28-311.09 or that meets or exceeds the criteria set~~  
18 ~~forth in section 28-311.10 regarding protection orders issued by a court~~  
19 ~~in any other state or a territory, possession, or tribe; and -~~  
20 ~~(c) Sexual assault protection order means a protection order issued~~  
21 ~~pursuant to section 4 of this act or that meets or exceeds the criteria~~  
22 ~~set forth in section 5 of this act regarding protection orders issued by~~  
23 ~~a court in any other state or a territory, possession, or tribe.~~  
24 Sec. 14. Section 42-924, Reissue Revised Statutes of Nebraska, is  
25 amended to read:  
26 42-924 (1) Any victim of domestic abuse may file a petition and  
27 affidavit for a protection order as provided in ~~subsections~~ ~~subsection~~  
28 (2) ~~and (3)~~ of this section. Upon the filing of such a petition and  
29 affidavit in support thereof, the court may issue a protection order  
30 without bond granting the following relief:  
31 (a) Enjoining the respondent from imposing any restraint upon the  
1 petitioner or upon the liberty of the petitioner;  
2 (b) Enjoining the respondent from threatening, assaulting,  
3 molesting, attacking, or otherwise disturbing the peace of the  
4 petitioner;  
5 (c) Enjoining the respondent from telephoning, contacting, or  
6 otherwise communicating with the petitioner;  
7 (d) Removing and excluding the respondent from the residence of the  
8 petitioner, regardless of the ownership of the residence;  
9 (e) Ordering the respondent to stay away from any place specified by  
10 the court;  
11 (f) Awarding the petitioner temporary custody of any minor children  
12 not to exceed ninety days;  
13 (g) Enjoining the respondent from possessing or purchasing a firearm  
14 as defined in section 28-1201; or  
15 (h) Ordering such other relief deemed necessary to provide for the  
16 safety and welfare of the petitioner and any designated family or  
17 household member.  
18 (2) Petitions for protection orders shall be filed with the clerk of  
19 the district court, and the proceeding may be heard by the county court  
20 or the district court as provided in section 25-2740. A petition for a  
21 protection order may not be withdrawn except upon order of the court.  
22 ~~(3)(a) A protection~~ ~~(3) A petition filed pursuant to subsection (1)~~  
23 ~~of this section may not be withdrawn except upon order of the court. An~~  
24 ~~order issued pursuant to subsection (1) of this section shall specify~~  
25 ~~that it is effective for a period of one year and, if the order grants~~  
26 ~~temporary custody, the number of days of custody granted to the~~

27 petitioner unless otherwise modified by the court.  
 28 (b) Any victim of domestic abuse may file a petition and affidavit  
 29 to renew a protection order. Such petition and affidavit for renewal  
 30 shall be filed on or after thirty days before the expiration of the  
 31 previous protection order. Such renewed order shall specify that it is  
 1 effective for a period of one year to commence on the first day following  
 2 the expiration of the previous order and, if the court grants temporary  
 3 custody, the number of days of custody granted to the petitioner unless  
 4 otherwise modified by the court.  
 5 (4) Any person who knowingly violates a protection order issued  
 6 pursuant to ~~subsection (1)~~ of this section or section 42-931 after  
 7 service or notice as described in subsection (2) of section 42-926 shall  
 8 be guilty of a Class I misdemeanor, except that any person convicted of  
 9 violating such order who has a prior conviction for violating a  
 10 protection order shall be guilty of a Class IV felony.  
 11 (5) If there is any conflict between sections 42-924 to 42-926 and  
 12 any other provision of law, sections 42-924 to 42-926 shall govern.

The Morfeld amendment was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 578A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

### NOTICE OF COMMITTEE HEARING(S)

Education

Room 2102

Wednesday, May 17, 2017 12:20 p.m.

Carter Peterson - Board of Trustees of the Nebraska State Colleges  
 Gary Bieganski - Board of Trustees of the Nebraska State Colleges  
 Jerald Meyer - Board of Educational Lands and Funds  
 Marilyn Hadley - Nebraska Educational Telecommunications Commission  
 Stan Carpenter - Nebraska Educational Telecommunications Commission  
 Clay Smith - Nebraska Educational Telecommunications Commission

(Signed) Mike Groene, Chairperson



Health and Human Services

Room 1510

Tuesday, May 23, 2017 1:00 p.m.

Joel Bessmer - State Board of Health

(Signed) Merv Riepe, Chairperson

### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 512A.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to appropriations; to amend sections 49 and 50, Legislative Bill 327, One Hundred Fifth Legislature, First Session, 2017; to appropriate funds to aid in carrying out the provisions of Legislative Bill 512, One Hundred Fifth Legislature, First Session, 2017; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 289A.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 289, One Hundred Fifth Legislature, First Session, 2017.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 130.** Introduced by Groene, 42; Ebke, 32; Erdman, 47; Friesen, 34; Linehan, 39.

**PURPOSE:** The purpose of this resolution is to examine issues related to the use of substitute teachers. The study shall focus on when and why substitute teachers are used, the use of substitute teachers due to sabbaticals or professional development activities and conference attendance by certificated teachers, how frequently substitute teachers are used for various purposes, the fiscal impact of using substitute teachers, and the relationship between collective bargaining agreements and the use of substitute teachers.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 644.** Placed on Select File with amendment.  
ER86 is available in the Bill Room.

(Signed) Anna Wishart, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Blood filed the following amendment to LB632:  
AM1350

(Amendments to AM1303)

1 1. On page 2, strike beginning with the first "and" in line 27  
2 through "state" in line 28.

Senator Krist filed the following amendment to LB233:  
AM1353 is available in the Bill Room.

**VISITORS**

Visitors to the Chamber were 30 fourth-grade students from Centennial Elementary, Utica.

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

**ADJOURNMENT**

At 11:37 a.m., on a motion by Senator Kuehn, the Legislature adjourned until 9:00 a.m., Monday, May 8, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTY-EIGHTH DAY - MAY 8, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, May 8, 2017

**PRAYER**

The prayer was offered by Reverend Beverly Melchor-Young, Riverside Baptist Church, Tekamah.

**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, Kuehn, Larson, Linehan, Smith, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-seventh day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 578A.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 519.** Placed on Final Reading Second.

(Signed) Anna Wishart, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 131.** Introduced by Riepe, 12.

**PURPOSE:** Title X family planning clinics play a critical role in ensuring access to a broad range of family planning and preventive health services.

It is the purpose of this resolution for the Health and Human Services Committee of the Legislature to conduct an interim study to examine the distribution and use of Federal Title X Program state and federal appropriations.

This study shall examine the following:

- (1) The distribution of Title X funding in Nebraska;
- (2) The providers of Title X funding in Nebraska;
- (3) The recipients of Title X funding in Nebraska;
- (4) Policies, programs, and procedures of other states regarding distribution and use of Federal Title X funds; and
- (5) Legal implications of prioritizing Title X funding.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**GENERAL FILE**

**LEGISLATIVE BILL 289A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 512A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 578A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 335.** ER22, found on page 792, was adopted.

Senator Howard offered the following amendment:

AM1357

1 1. In the Krist amendment, AM703, on page 1, line 6, strike "years"  
 2 and insert "year"; in line 7 strike "and on July 1, 2018,"; and in line 9  
 3 after "year" insert "and for the fiscal year beginning on July 1, 2018,  
 4 such rate may not be less than the sixtieth percentile for the last three  
 5 quarters of the fiscal year or the rate for the fiscal year beginning on  
 6 July 1, 2016".

The Howard amendment was adopted with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 328.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2017-18 and FY2018-19; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

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

Voting in the negative, 2:

Erdman      Lowe

Present and not voting, 1:

Wayne

Excused and not voting, 2:

Kuehn            Linehan

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 329.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2017-18 and FY2018-19; to define terms; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

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

Voting in the negative, 2:

Erdman            Groene

Excused and not voting, 2:

Kuehn            Linehan

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB330 with 35 ayes, 6 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 330.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements and a request for funding; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Baker	Crawford	Hughes	Murante	Walz
Blood	Ebke	Kolowski	Pansing Brooks	Watermeier
Bolz	Geist	Kolterman	Quick	Wayne
Brasch	Groene	Krist	Riepe	Williams
Brewer	Hansen	Larson	Scheer	Wishart
Briese	Harr	Lindstrom	Schumacher	
Chambers	Hilgers	McCollister	Smith	
Clements	Hilkemann	McDonnell	Stinner	
Craighead	Howard	Morfeld	Vargas	

Voting in the negative, 6:

Albrecht	Erdman	Halloran
Bostelman	Friesen	Lowe

Excused and not voting, 2:

Kuehn	Linehan
-------	---------

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB149 with 39 ayes, 6 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 149.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB657, sections 11, 51, 136, 202, and 245, as amended by sections 17, 35, 68, 92, and 114, respectively, Legislative Bill 22, One Hundred Fifth Legislature, First Session, 2017; Laws 2016, LB956, section 66; Laws 2016, LB746A, section 3, as amended by section 124, Legislative Bill 22, One

Hundred Fifth Legislature, First Session, 2017; and Laws 2016, LB956, sections 41, 42, 45, and 49, as amended by sections 128, 129, 132, and 136, respectively, Legislative Bill 22, One Hundred Fifth Legislature, First Session, 2017; to adopt definitions; to provide, change, and eliminate provisions relating to appropriations and transfers of funds; to reduce appropriations; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Baker	Crawford	Hughes	Pansing Brooks	Walz
Blood	Ebke	Kolterman	Quick	Watermeier
Bolz	Geist	Krist	Riepe	Wayne
Bostelman	Hansen	Lindstrom	Scheer	Williams
Brewer	Harr	McCollister	Schumacher	Wishart
Chambers	Hilgers	McDonnell	Smith	
Clements	Hilkemann	Morfeld	Stinner	
Craighead	Howard	Murante	Vargas	

Voting in the negative, 9:

Albrecht	Briese	Friesen	Halloran	Lowe
Brasch	Erdman	Groene	Larson	

Present and not voting, 1:

Kolowski

Excused and not voting, 2:

Kuehn          Linehan

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 171.** With Emergency Clause.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "



Voting in the affirmative, 44:

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

Voting in the negative, 1:

Erdman

Present and not voting, 2:

Baker            Kolowski

Excused and not voting, 2:

Kuehn            Linehan

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 328, 329, 330, 149, and 171.

#### **MOTION(S) - Override Veto on LB75**

Senator Wayne offered his motion, MO115, found on page 1282, that LB75 becomes law notwithstanding the objections of the Governor.

#### **SPEAKER SCHEER PRESIDING**

Senator Wayne moved for a call of the house. The motion prevailed with 31 ayes, 3 nays, and 15 not voting.

Senator Wayne requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 23:

Baker	Ebke	Kolowski	Morfeld	Walz
Blood	Friesen	Krist	Pansing Brooks	Wayne
Bolz	Hansen	Linehan	Quick	Wishart
Chambers	Harr	McCollister	Schumacher	
Crawford	Howard	McDonnell	Vargas	

Voting in the negative, 23:

Albrecht	Clements	Halloran	Kuehn	Scheer
Bostelman	Craighead	Hilgers	Lindstrom	Stinner
Brasch	Erdman	Hilkemann	Lowe	Watermeier
Brewer	Geist	Hughes	Murante	
Briese	Groene	Kolterman	Riepe	

Present and not voting, 2:

Larson            Smith

Excused and not voting, 1:

Williams

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

#### **MOTION(S) - Reconsider Action on LB75**

Senator Larson offered the following motion to LB75:

MO125

Reconsider the vote on the motion that the bill becomes law notwithstanding the objections of the Governor.

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

#### **COMMITTEE REPORT(S)**

General Affairs

**LEGISLATIVE BILL 632.** Placed on General File with amendment. AM1303 is available in the Bill Room.

**LEGISLATIVE BILL 541.** Placed on General File with amendment. AM216

- 1 1. Strike original sections 1, 2, and 5.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

(Signed) Tyson Larson, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 8, 2017, at 9:45 a.m. were the following:  
LBs 328e, 329e, 330e, 149e, and 171e.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services

Room 1510

Tuesday, May 23, 2017 1:00 p.m.

Kyle Klammer - Nebraska Rural Health Advisory Commission

(Signed) Merv Riepe, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 289.** Placed on Final Reading.  
ST32

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER 39:
  - a. On page 32, line 31, "deadly" has been inserted after the first "a".
  - b. On page 33, line 1, "certain" has been inserted after "and" and "without warrants" struck.

**LEGISLATIVE BILL 578A.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 132.** Introduced by Murante, 49.

PURPOSE: The purpose of this resolution is to study elections conducted by and on behalf of political subdivisions. The issues to be studied include the potential effect of requiring all such elections to be held in conjunction with the statewide primary and statewide general elections, including the potential effect on voter turnout, voter knowledge regarding local candidates, campaign finance and strategies, election officials and volunteers, property taxes, and the confidence of the public in the election

process. The study shall include a review of elections conducted by and on behalf of various sizes of political subdivisions held in conjunction with the statewide primary and statewide general elections and elections conducted by and on behalf of political subdivisions held at other times. The study may review other alternatives including conducting elections by mail.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 133.** Introduced by Erdman, 47.

WHEREAS, Trey Thayer, Devyn Sanderson, Abigail Meidell, Rachel Ellis, Jebb Ginkens, Cindy Mansfield, and Casey Staudenmaier graduated from Sioux County High School in Harrison, Nebraska; and

WHEREAS, Trey Thayer is the valedictorian of Sioux County High School; and

WHEREAS, Devyn Sanderson is the salutatorian of Sioux County High School; and

WHEREAS, Joel Parker and Claire Buhr are graduating with high school diplomas from home schools; and

WHEREAS, Joel Parker and Claire Buhr participated in the graduation ceremony and received certificates of attendance from the administration of Sioux County High School.

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

1. That the Legislature honors each of these students for their hard work and achievement in meeting the requirements for a high school diploma.

2. That Trey Thayer be honored as the valedictorian of Sioux County High School.

3. That Devyn Sanderson be honored as the salutatorian of Sioux County High School.

4. That Sioux County High School be commended for including two home school students in their graduation ceremony.

5. That copies of this resolution be sent to Trey Thayer, Devyn Sanderson, Abigail Meidell, Rachel Ellis, Jebb Ginkens, Cindy Mansfield, Casey Staudenmaier, Joel Parker, Claire Buhr, and Sioux County High School.

Laid over.

**LEGISLATIVE RESOLUTION 134.** Introduced by McDonnell, 5.

WHEREAS, Cardinal Joseph Blase Cupich, the Archbishop of the Archdiocese of Chicago of the Roman Catholic Church, was born in South Omaha on March 19, 1949, and attended Saints Peter and Paul Grade School and Archbishop Ryan High School, both in Legislative District 5 in South Omaha; and

WHEREAS, on August 16, 1975, Cardinal Cupich was ordained to the priesthood for the Archdiocese of Omaha and served as the pastor for two Omaha parishes before being appointed, ordained, and installed as the Bishop of Rapid City, South Dakota in 1998; and

WHEREAS, in 2010, Cardinal Cupich was appointed and installed as the sixth Bishop of Spokane, Washington and was appointed and installed as the ninth Archbishop of Chicago, Illinois in 2014; and

WHEREAS, November 19, 2016, Archbishop Cupich was elevated to the status of Cardinal by Pope Francis, becoming the first Cardinal to come from the State of Nebraska.

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

1. That the Legislature designates November 19, 2017, as Cardinal Cupich Day in Nebraska.
2. That a copy of this resolution be sent to the Archdiocese of Omaha and to Cardinal Cupich, the Archbishop of the Archdiocese of Chicago.

Laid over.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 289A.** Placed on Select File.

**LEGISLATIVE BILL 512A.** Placed on Select File with amendment.

ER87

1 1. On page 1, line 5, insert "to reduce appropriations;" after the  
2 first semicolon.

(Signed) Anna Wishart, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Vargas name added to LB289.

**VISITORS**

Visitors to the Chamber were 70 fourth-grade students and sponsors from Ackerman Elementary, Millard; and 40 kindergarten through sixth-grade students from Nebraska Christian School, Central City.

**RECESS**

At 11:42 a.m., on a motion by Senator Bostelman, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Williams who was excused; and Senators Friesen, Groene, Hilgers, Larson, and Morfeld who were excused until they arrive.

**COMMUNICATION**

May 8, 2017

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the veto by Governor Ricketts of LB75, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jl

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB259 with 30 ayes, 7 nays, 7 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 259.**

A BILL FOR AN ACT relating to courts; to amend sections 25-1577, 29-901, 29-901.01, 29-1823, 29-2206, 29-2206.01, 29-2277, 29-2278, 29-2279, 29-2404, 29-2412, and 60-692, Reissue Revised Statutes of Nebraska, and section 60-4,100, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to conditions of and ability to post bail, debt collection procedures, pretrial release, competency in criminal defendants, and financial ability to pay fines or costs or a traffic citation; to provide for hearings, community service, and discharge as prescribed; to change provisions relating to procedures for suspending an operator's license; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Baker	Crawford	Hughes	McDonnell	Vargas
Blood	Ebke	Kolowski	Murante	Walz
Bolz	Geist	Kolterman	Pansing Brooks	Watermeier
Bostelman	Groene	Krist	Quick	Wayne
Brasch	Hansen	Kuehn	Riepe	Wishart
Brewer	Harr	Larson	Scheer	
Briese	Hilgers	Lindstrom	Schumacher	
Chambers	Hilkemann	Linehan	Smith	
Craighead	Howard	McCollister	Stinner	

Voting in the negative, 3:

Clements	Erdman	Halloran
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Present and not voting, 2:

Albrecht	Lowe
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Excused and not voting, 3:

Friesen	Morfeld	Williams
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 259A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 259, One Hundred Fifth Legislature, First Session, 2017.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Baker	Craighead	Hughes	McDonnell	Smith
Blood	Crawford	Kolowski	Morfeld	Stinner
Bolz	Ebke	Kolterman	Murante	Vargas
Bostelman	Hansen	Krist	Pansing Brooks	Walz
Brasch	Harr	Kuehn	Quick	Watermeier
Brewer	Hilgers	Larson	Riepe	Wayne
Briese	Hilkemann	Lindstrom	Scheer	Wishart
Chambers	Howard	McCollister	Schumacher	

Voting in the negative, 4:

Clements	Erdman	Groene	Halloran
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Present and not voting, 4:

Albrecht	Geist	Linehan	Lowe
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Excused and not voting, 2:

Friesen	Williams
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB451 with 39 ayes, 1 nay, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 451.**

A BILL FOR AN ACT relating to elections; to amend sections 18-2713, 32-208, 32-301, 32-304, 32-312, 32-404, 32-566, 32-573, 32-601, 32-802,



32-915, 32-939, 32-939.02, and 32-947, Reissue Revised Statutes of Nebraska, and section 49-1494, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to city and village election procedures and voter registration list funding; to harmonize provisions relating to a penalty; to eliminate a restriction on an election commissioner becoming a candidate for elective office; to change provisions relating to deadlines for certifications, notifications, and published notice; to change provisions relating to filling certain vacancies; to provide a voter's oath for nonresidents and change provisions relating to ballot instructions; to change provisions relating to the filing of a statement of financial interests by a candidate for elective office; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 86.**

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-810, Reissue Revised Statutes of Nebraska; to change provisions relating to opening bids; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Albrecht      Geist

Excused and not voting, 1:

Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 200.**

A BILL FOR AN ACT relating to county officers; to amend sections 23-1901.02, 33-116, and 39-1506, Reissue Revised Statutes of Nebraska, and section 23-1901, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to county engineers, county surveyors, and county highway superintendents in certain counties as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Albrecht

Excused and not voting, 1:

Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 204.**

A BILL FOR AN ACT relating to court procedures; to amend section 24-1106, Reissue Revised Statutes of Nebraska, 2008, and section 25-1332, Reissue Revised Statutes of Nebraska; to change provisions relating to appeals to the Supreme Court, service on employees of the state, and summary judgment; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 209.**

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend sections 84-901 and 84-901.03, Revised Statutes Cumulative Supplement, 2016; to redefine a term; to change provisions relating to an index as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Harr

Excused and not voting, 1:

Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 274.**

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1073, 2-10,110 and 2-10,116, Reissue Revised Statutes of Nebraska, and section 2-1091, Revised Statutes Cumulative Supplement, 2016; to change

provisions relating to declaration of public policy, enforcement, powers, duties, authorized agreements, and rules and regulations under the Plant Protection and Plant Pest Act; to eliminate the Nebraska Rangeland Grasshopper Control Act; to repeal the original sections; and to outright repeal sections 2-1066, 2-1067, 2-1068, 2-1069, 2-1070, and 2-1071, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

McCollister

Excused and not voting, 1:

Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 280.** With Emergency Clause.

A BILL FOR AN ACT relating to the Address Confidentiality Act; to amend sections 42-1203, 42-1204, 42-1209, and 84-907.03, Reissue Revised Statutes of Nebraska, and section 9-531, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2016; to define a term; to change eligibility for program participation; to change powers and duties; to change provisions relating to certain funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Williams

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **LEGISLATIVE BILL 307.**

A BILL FOR AN ACT relating to court fees; to amend sections 33-106, 33-106.03, 33-107.02, and 43-1906, Reissue Revised Statutes of Nebraska; to provide for mediation, child abuse prevention, and civil legal services fees in certain proceedings; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 318.** With Emergency Clause.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Reissue Revised Statutes of Nebraska; to authorize telephone conferencing for meetings of the Nebraska Brand Committee; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Williams

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 320.**

A BILL FOR AN ACT relating to state government; to amend sections 81-154, 81-161.05, 81-1118, and 81-1119, Reissue Revised Statutes of Nebraska, and sections 81-161.03 and 81-1108.15, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to bidding and purchases, conflicts of interest by the materiel administrator and materiel division employees, and facilities construction and administration; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Morfeld

Excused and not voting, 1:

Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 371.**

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 81-526, Reissue Revised Statutes of Nebraska; to eliminate condemnation authority of the State Fire Marshal; to harmonize provisions; to repeal the original section; and to outright repeal sections 81-513, 81-514, 81-515, 81-516, 81-517, 81-518, and 81-519, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:



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

Voting in the negative, 0.

Excused and not voting, 2:

Briese Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB375 with 37 ayes, 3 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 375.**

A BILL FOR AN ACT relating to the Credit Union Act; to amend sections 21-1701, 21-1709, 21-1724, 21-1736, 21-1740, 21-1741, and 21-1782, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change procedures relating to application notifications and examination reports; to change provisions relating to credit unions' powers, safe deposit boxes, and joint accounts; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 21-1725 and 21-17,116, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Briese Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 382.** With Emergency Clause.

A BILL FOR AN ACT relating to budgets; to amend sections 13-518 and 13-519, Revised Statutes Cumulative Supplement, 2016; to redefine a term; to change provisions relating to budget limitations; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Bolz

Excused and not voting, 2:

Briese Williams

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 406.**

A BILL FOR AN ACT relating to insurance policies; to amend sections 44-516, 44-522, and 44-523, Reissue Revised Statutes of Nebraska; to change provisions relating to notice of cancellation, nonrenewal, or nonpayment of a premium; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Briese Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 458.**

A BILL FOR AN ACT relating to the County Purchasing Act; to amend section 23-3104, Reissue Revised Statutes of Nebraska; to provide an exemption for purchases by or on behalf of a county coroner; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Briese            Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 463.**

A BILL FOR AN ACT relating to cemeteries; to amend section 12-401, Reissue Revised Statutes of Nebraska; to change a provision relating to who may be appointed to certain cemetery boards; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Briese Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 476.**

A BILL FOR AN ACT relating to the Nebraska Nonprofit Corporation Act; to amend section 21-19,163, Reissue Revised Statutes of Nebraska; to change provisions relating to domestication of foreign corporations and the effect on original incorporation dates; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Brewer Stinner

Excused and not voting, 1:

Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB492 with 32 ayes, 4 nays, 12 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 492.**

A BILL FOR AN ACT relating to self-service storage facilities; to amend sections 37-1278 and 37-1283, Reissue Revised Statutes of Nebraska, and sections 60-149 and 60-166, Revised Statutes Cumulative Supplement, 2016; to adopt the Self-Service Storage Facilities Act; to authorize certain liens as prescribed; to change provisions relating to the State Boat Act and the Motor Vehicle Certificate of Title Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Watermeier

Excused and not voting, 1:

Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 508.**

A BILL FOR AN ACT relating to county government; to amend sections 23-2520 and 23-2521, Reissue Revised Statutes of Nebraska, and sections 23-2503 and 23-2518, Revised Statutes Cumulative Supplement, 2016; to change the population threshold for the applicability of certain county civil

service systems; to change provisions relating to personnel policy boards of boards of county commissioners; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Geist            Howard

Excused and not voting, 1:

Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB517 with 37 ayes, 4 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 517.**

A BILL FOR AN ACT relating to property; to amend sections 30-2333, 30-2353, 30-2715, 30-2715.01, 30-2742, and 30-3854, Reissue Revised Statutes of Nebraska, and section 76-3415, Revised Statutes Cumulative Supplement, 2016; to define terms; to change provisions relating to transfer of property upon death; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 1:

Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 584.**

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-1811, Reissue Revised Statutes of Nebraska; to change provisions relating to mowing of weeds as prescribed; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:



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

Voting in the negative, 0.

Excused and not voting, 1:

Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 624.**

A BILL FOR AN ACT relating to county records; to provide for withholding the residential address of a law enforcement officer from the public; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 259, 259A, 451, 86, 200, 204, 209, 274, 280, 307, 318, 320, 371, 375, 382, 406, 458, 463, 476, 492, 508, 517, 584, and 624.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 135.** Introduced by Brewer, 43; Albrecht, 17; Baker, 30; Blood, 3; Bolz, 29; Bostelman, 23; Briese, 41; Clements, 2; Craighead, 6; Ebke, 32; Erdman, 47; Friesen, 34; Geist, 25; Groene, 42; Halloran, 33; Hansen, 26; Harr, 8; Hilgers, 21; Hilkemann, 4; Howard, 9; Hughes, 44; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Murante, 49; Pansing Brooks, 28; Quick, 35; Riepe, 12; Scheer, 19; Schumacher, 22; Smith, 14; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Wishart, 27.

WHEREAS, it is appropriate for us to remember the many sacrifices and contributions made by members of the law enforcement community while protecting the safety of the public; and

WHEREAS, Deputy Mark Burbridge of the Pottawattamie County Sheriff's Office in Iowa was killed in the line of duty on May 1, 2017, after struggling to capture an escaped prisoner who attacked and shot him. Deputy Pat Morgan was also shot and injured. The escapee went on to injure two civilians before he was recaptured by police officers in Omaha, Nebraska; and

WHEREAS, Deputy Burbridge was a twelve-year veteran of the Pottawattamie County Sheriff's Office and was called "a good deputy" and "an excellent man" by Pottawattamie County Sheriff Jeff Danker; and

WHEREAS, Mark Burbridge leaves behind his wife and three children; and

WHEREAS, our police, fire, and medical first-responders in neighboring states are one big family in brotherhood with Nebraska, and when something tragic like this happens, it affects all of us.

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

1. That the Nebraska Unicameral Legislature extends its condolences on behalf of the people of the State of Nebraska to the people of the State of Iowa, especially the Pottawattamie County Sheriff's Office in Iowa and the family of Deputy Mark Burbridge.

2. That a copy of this resolution shall be sent to the Pottawattamie County Sheriff's Office in Iowa and to the family of Deputy Mark Burbridge.

Laid over.

**LEGISLATIVE RESOLUTION 136.** Introduced by McCollister, 20; Hilgers, 21; Lindstrom, 18; Morfeld, 46; Wishart, 27.

**PURPOSE:** The purpose of this study is to focus on the effect of the Congressional passage in March of the Joint Resolution, S.J. Res. 34 (2017), which disapproved the Federal Communications Commission (FCC) final rules for Protecting the Privacy of Customers of Broadband and Other Telecommunications Services, 81 Fed. Reg. 87274 (December 2, 2016).

State and local governments in Nebraska have made significant investments to provide Internet services, from creating government web sites to providing Internet access across this state. Additionally, Nebraskans expect privacy and protection from Internet service providers and expect the government to protect their rights to privacy and to increase the control individuals have over their personal information.

If the repeal of the FCC rule does compromise expectations of privacy and consumer control for Nebraskans, then this study should consider state legislative and administrative options to restore such expectations of privacy and protection from Internet service providers.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 137.** Introduced by Pansing Brooks, 28.

WHEREAS, Ernest "Jack" Rokahr was born on September 17, 1922, and raised in Lincoln, Nebraska; and

WHEREAS, Jack witnessed the Sower being placed atop the Nebraska State Capitol Building while an elementary student at Capitol School; and

WHEREAS, Jack is part of the Rokahr family of Lincoln, which includes five generations of University of Nebraska graduates; and

WHEREAS, Jack's father, Ernest Rokahr of Ernest Rokahr and Sons, constructed historic buildings such as Raymond Hall, Andrews Hall, the 14th Street Power Plant, the Sigma Alpha Epsilon fraternity house, and the Gamma Phi Beta sorority house; and

WHEREAS, Jack graduated from the University of Nebraska in 1948 with a degree in business; and

WHEREAS, Jack's career in international commerce includes twenty-three years in the United States Department of Commerce, International Trade Administration; and

WHEREAS, Jack is a veteran of World War II and recipient of the Bronze Star Medal, Combat Infantryman Badge, Meritorious Service Medal, and European-African-Middle Eastern Campaign Medal with three battle stars; and

WHEREAS, May of 2015, Jack was presented the French government's highest honor, the rank of knight in the National Order of the Legion of Honor; and

WHEREAS, Jack donated his extensive and valuable private collection of opera materials to the University of Nebraska in 2002; and

WHEREAS, the Rokahr Family Archive housed at the University of Nebraska Music Library is the largest private opera collection in the United States and contains materials originating as early as 1764.

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

1. That the Legislature recognizes the contributions of Ernest J. Rokahr to the State of Nebraska and commends his service to the United States of America.

2. That a copy of this resolution be sent to Ernest J. Rokahr.

Laid over.

**NOTICE OF COMMITTEE HEARING(S)**

Government, Military and Veterans Affairs

Room 1507

Monday, May 15, 2017 12:00 p.m.

Steven F. Danon - State Emergency Response Commission

LR95

LR71

Request to approve a gift of two memorials including materials and labor from the Norfolk Veterans Home Heroes Park Foundation Inc. for the addition of a World War II and Korean War Memorial to the Flag Plaza located in front of the Norfolk Veterans Home.

(Signed) John Murante, Chairperson

**COMMITTEE REPORT(S)**

## Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Mark Czaplewski - Nebraska Natural Resources Commission

Aye: 7 Albrecht, Bostelman, Geist, Hughes, Kolowski, McCollister, Walz.  
Nay: 0. Absent: 0. Present and not voting: 1 Quick.

(Signed) Dan Hughes, Chairperson

**VISITORS**

Visitor to the Chamber was Doug Oertwich from Pilger.

**ADJOURNMENT**

At 2:37 p.m., on a motion by Senator Pansing Brooks, the Legislature adjourned until 9:00 a.m., Tuesday, May 9, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-NINTH DAY - MAY 9, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**SEVENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 9, 2017

**PRAYER**

The prayer was offered by Father Brian Connor, North American Martyr's Catholic Church, Lincoln.

**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, Geist, Harr, Krist, Larson, Watermeier, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-eighth day was approved.

**MESSAGE(S) FROM THE GOVERNOR**

May 8, 2017

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 427 was received in my office on May 2, 2017. This bill was signed and delivered to the Secretary of State on May 8, 2017.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 8, 2017, at 2:58 p.m. were the following: LBs 259, 259A, 451, 86, 200, 204, 209, 274, 280e, 307, 318e, 320, 371, 375, 382e, 406, 458, 463, 476, 492, 508, 517, 584, and 624.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 512.** Placed on Final Reading Second.  
ST33

(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Harr amendment, AM1346, on page 26, line 12, "6," has been inserted after "4," and "15," has been inserted after "11,".
2. a. On page 58, line 8, "30 to 36" has been struck and "31 to 37" inserted;  
b. On page 62, lines 15 and 25; page 64, line 24; and page 66, line 9, "34" has been struck and "35" inserted;  
c. On page 62, lines 16 and 24; on page 63, line 26; and page 64, line 14, "31" has been struck and "32" inserted; and  
d. On page 63, line 18; and page 64, lines 16 and 19, "32" has been struck and "33" inserted.

(Signed) Anna Wishart, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Tuesday, May 23, 2017 12:20 p.m.

LR98

(Signed) Mike Groene, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 138.** Introduced by Crawford, 45.

**PURPOSE:** The purpose of this interim study is to examine the tools, mechanisms, and funding sources available to municipalities to provide for the condemnation or demolition of vacant and abandoned buildings. The issues addressed by this interim study shall include, but not be limited to:



- (1) An examination of the costs for municipalities to condemn or demolish vacant and abandoned buildings;
- (2) A review of the current tools and mechanisms available to municipalities to provide for the condemnation of buildings within their corporate limits;
- (3) A review of tools and mechanisms previously available to provide for the condemnation of buildings within municipalities, including the condemnation authority of the State Fire Marshal; and
- (4) A review of potential funding sources available to municipalities to pay the costs of demolition of vacant and abandoned buildings.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 116, 117, 118, 119, 120, and 121 were adopted.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 116, 117, 118, 119, 120, and 121.

#### **SELECT FILE**

**LEGISLATIVE BILL 289A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 512A.** ER87, found on page 1381, was adopted.

Advanced to Enrollment and Review for Engrossment.

#### **BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 332.** With Emergency Clause.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2016; to change and

provide for transfers; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Baker	Ebke	Kolowski	Morfeld	Smith
Blood	Geist	Kolterman	Murante	Stinner
Bolz	Hansen	Kuehn	Pansing Brooks	Vargas
Brewer	Harr	Lindstrom	Quick	Walz
Briese	Hilgers	Linehan	Riepe	Watermeier
Chambers	Hilkemann	McCollister	Scheer	Williams
Crawford	Howard	McDonnell	Schumacher	Wishart

Voting in the negative, 10:

Albrecht	Brasch	Erdman	Groene	Hughes
Bostelman	Clements	Friesen	Halloran	Lowe

Excused and not voting, 4:

Craighead	Krist	Larson	Wayne
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB331 with 37 ayes, 6 nays, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 331.** With Emergency Clause.

A BILL FOR AN ACT relating to funds; to amend sections 12-1301, 19-102, 19-103, 29-4115.01, 37-327.02, 48-1,116, 48-735.01, 60-3,218, 68-940.01, 71-1001, 71-7450, 81-125.01, 81-179, 81-188.01, 81-405, 81-638, 81-885.15, 81-1558, 81-15,175, and 86-324, Reissue Revised Statutes of Nebraska, and sections 2-1222, 7-209, 47-632, 59-1608.04, 60-6,211.05, 60-1409, 61-218, 66-204, 66-4,100, 66-1345, 66-1519, 71-7611, 72-1001, 72-2211, 77-2715.01, 77-27,132, 81-406, 81-12,160, 81-12,162, 81-3432, 82-331, 85-1414.01, and 86-463, Revised Statutes Cumulative Supplement, 2016; to provide for, change, and eliminate transfers; to create and provide for termination of funds; to change

provisions governing administration, maintenance, and use of funds, grants, and financial assistance; to change the reserve requirement; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 31:

Baker	Geist	Kolterman	Quick	Watermeier
Blood	Hansen	Lindstrom	Riepe	Williams
Bolz	Harr	McCollister	Scheer	Wishart
Brewer	Hilgers	McDonnell	Schumacher	
Chambers	Hilkemann	Morfeld	Smith	
Crawford	Howard	Murante	Vargas	
Ebke	Kolowski	Pansing Brooks	Walz	

Voting in the negative, 12:

Albrecht	Briese	Friesen	Hughes
Bostelman	Clements	Groene	Kuehn
Brasch	Erdman	Halloran	Lowe

Present and not voting, 3:

Larson	Linehan	Stinner
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Excused and not voting, 3:

Craighead	Krist	Wayne
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Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached.

#### **MOTION(S) - Reconsider Action on LB331**

Senator Stinner offered the following motion to LB331:

MO126

Reconsider the vote on the final passage with the emergency clause attached.

Senator Schumacher moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 9 nays, and 10 not voting.

The Stinner motion to reconsider prevailed with 36 ayes, 5 nays, and 8 present and not voting.

**BILL ON FINAL READING**

The following bill was put upon final passage:

**LEGISLATIVE BILL 331.** With Emergency Clause.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Baker	Groene	Krist	Quick	Watermeier
Blood	Hansen	Lindstrom	Riepe	Wayne
Bolz	Harr	Linehan	Scheer	Williams
Chambers	Hilgers	McCollister	Schumacher	Wishart
Craighead	Hilkemann	McDonnell	Smith	
Crawford	Howard	Morfeld	Stinner	
Ebke	Kolowski	Murante	Vargas	
Geist	Kolterman	Pansing Brooks	Walz	

Voting in the negative, 12:

Albrecht	Brewer	Erdman	Hughes
Bostelman	Briese	Friesen	Kuehn
Brasch	Clements	Halloran	Lowe

Present and not voting, 1:

Larson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION(S) - Return LB327 to Select File**

Senator Erdman moved to return LB327 to Select File for the following specific amendment:

AM1375

(Amendments to Final Reading copy)

1 1. Strike the original sections, except for appropriations for the  
 2 Tax Equity and Educational Opportunities Support Act and for programs of  
 3 the Department of Correctional Services, and insert the budget amounts in  
 4 effect for fiscal year 2016-17 as amended in LB22 in this legislative  
 5 session and provisions for using the Cash Reserve Fund for payment of the  
 6 increases in salaries for state employees negotiated by collective  
 7 bargaining and health insurance increases for the 2017-19 biennium.

Pending.

**MOTION(S) - Bracket LB327**

Senator Chambers offered the following motion to LB327:  
MO127  
Bracket until June 2, 2017.

Senator Chambers withdrew his motion to bracket.

**MOTION(S) - Return LB327 to Select File**

Senator Erdman renewed his motion, found in this day's Journal, to return LB327 to Select File for his specific amendment, AM1375, found in this day's Journal.

Senator Erdman withdrew his motion to return.

**MOTION(S) - Return LB327 to Select File**

Senator Albrecht moved to return LB327 to Select File for the following specific amendment:  
AM1369

(Amendments to Final Reading copy)

- 1 1. Strike every General Fund appropriation in this legislative bill
- 2 and insert an amount which is one percent less than such appropriation.
- 3 The Bill Drafter's Office with the assistance of the Legislative Fiscal
- 4 Analyst shall prepare the changes mandated by this amendment as part of
- 5 the regular engrossing process.

Senator Albrecht withdrew her motion to return.

**BILL ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB327 with 41 ayes, 3 nays, and 5 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 327.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2019; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the

emergency clause attached?' "

Voting in the affirmative, 36:

Baker	Groene	Krist	Pansing Brooks	Walz
Blood	Hansen	Lindstrom	Quick	Wayne
Bolz	Harr	Linehan	Riepe	Williams
Chambers	Hilgers	Lowe	Scheer	Wishart
Craighead	Hilkemann	McCollister	Schumacher	
Crawford	Howard	McDonnell	Smith	
Ebke	Kolowski	Morfeld	Stinner	
Geist	Kolterman	Murante	Vargas	

Voting in the negative, 12:

Albrecht	Brewer	Erdman	Hughes
Bostelman	Briese	Friesen	Kuehn
Brasch	Clements	Halloran	Watermeier

Present and not voting, 1:

Larson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 332, 331, and 327.

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 335.** Placed on Final Reading.

**LEGISLATIVE BILL 289A.** Placed on Final Reading.

**LEGISLATIVE BILL 512A.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 415.** Placed on Select File with amendment. ER88 is available in the Bill Room.

(Signed) Anna Wishart, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 415A.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 415, One Hundred Fifth Legislature, First Session, 2017; and to declare an emergency.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 139.** Introduced by Bolz, 29.

**PURPOSE:** The State of Nebraska has a responsibility to protect the safety, permanency, and well-being of children in the child welfare system. The state also has a responsibility to effectively and efficiently manage child welfare resources. The purpose of this interim study is to analyze the best use of the state's child welfare resources in line with its goals. The study shall analyze:

- (1) Ways in which Nebraska is currently funding the child welfare system, including the use of state, philanthropic, and federal funding streams;
- (2) Funding sustainability and variability by region;
- (3) Funding sustainability and variability over time; and
- (4) The relationship between funding adequacy and the achievement of the goals of the child welfare system, including safety, permanency, and well-being for children and the impact on caseload ratios for caseworkers and the availability of services.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 140.** Introduced by Bolz, 29.

**PURPOSE:** In 2015, the Legislature passed, and the Governor signed, LB243, which established a Family Finding pilot project. The intent of the project was to implement Family Finding initiatives to engage family members and develop permanent placements for young people in the foster care system.

The purpose of this interim study is to examine issues surrounding the Family Finding pilot project. The study committee shall receive input from

interested parties, including, but not limited to, child welfare service providers, individuals in the foster care system, and family members. The study committee shall make recommendations to the Legislature regarding the goals of the Family Finding initiatives that relate to long-term permanency for young people involved in the foster care system.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 141.** Introduced by Bolz, 29.

PURPOSE: According to surveys of Nebraska businesses, workforce quality and availability is a top concern. By 2020, 38 percent of jobs in Nebraska will be middle-skill jobs-those requiring some postsecondary education but less than a bachelor's degree. To address the middle-skill employee gap and the use of career pathways as a workforce development strategy, this study shall examine the following:

(1) Nationwide best practices for promoting career education and training that can lead to job readiness for middle-skill positions;

(2) Innovative processes and programs through which training opportunities and educational programs have been established and fostered in other states; and

(3) Strategies and opportunities to produce individuals prepared for middle-skill jobs and how to best implement such strategies.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 142.** Introduced by Bolz, 29.

PURPOSE: In 2015, the Legislature passed, and the Governor signed, LB320, which established an aging and disability resource center (ADRC) demonstration project. ADRCs are designed to assist older Nebraskans and



individuals with disabilities by promoting the appropriate, effective, and efficient use of long-term care resources. The purpose of this interim study is to review the progress of the ADRC demonstration project and consider the long-term role of ADRCs in Nebraska. The study shall include:

(1) Input regarding the progress of the ADRCs from interested parties, to include, but not be limited to, the Department of Health and Human Services, the Area Agencies on Aging, the Nebraska Statewide Independent Living Council, the project managers for the ADRCs, advocates for the disability community, and advocates for the aging community; and

(2) Recommendations the Legislature should consider regarding the existing authority of the ADRCs and achieving the goals of the ADRCs, specifically with regard to information and referral, options for counseling, and mobility management.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 143.** Introduced by Kolowski, 31; Pansing Brooks, 28.

**PURPOSE:** The purpose of this interim study is to examine pay equity issues. Nebraska has a long and proud tradition of ensuring equal opportunity in the workplace and has recently adopted, with broad political support, state-level reforms to further close the gender pay gap. However, studies show significant and persistent wage disparities for working women in this state, and these disparities are even more pronounced for women of color. Ensuring equal pay for equal work and addressing these disparities and other types of discrimination in the workplace is critical for eliminating invidious discrimination, ensuring equal opportunity for every Nebraskan to achieve his or her economic potential, and ensuring strong, economically self-sufficient families.

There is an emerging trend in many cities and states to convene relevant stakeholders, such as the business community, labor unions, civil rights organizations, women's advocacy and research organizations, and others to participate in this important dialogue and identify comprehensive solutions that benefit both employers and employees in affirmatively addressing persistent wage disparity and equal pay issues.

This study shall explore methods for eliminating the pay equity gap, including, but not limited to:

(1) Wage disclosure laws such as those proposed in LB83 (2015) and LB354 (2017);

(2) Successful state equal pay laws recently adopted in North Dakota, Connecticut, Oregon, Delaware, California, Illinois, New York, and Massachusetts;

(3) Federal laws and proposals, such as the recently enacted Lilly Ledbetter Fair Pay Act (2016) and the proposed Paycheck Fairness Act, Workplace Advancement Act, and Gender Advancement in Pay Act; and

(4) Any and all other potential remedies.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 144.** Introduced by Howard, 9.

**PURPOSE:** The purpose of this resolution is to examine the effects of nonstandard and volatile job schedules on Nebraska businesses, workers, and families. Many Nebraska workers, particularly those in low-wage occupations, face challenges and a high degree of work-life conflict as a result of scheduling instability and "just in time" scheduling. Scheduling instability includes highly variable or inadequate hours, shifts in which an employee works a late-night shift followed immediately by an early morning shift, split shifts, and being sent home or called in to work at the last minute. This study shall include, but is not limited to, an examination of the following:

(1) A review of existing state law and national best practices for addressing challenges faced by workers with volatile work schedules;

(2) The role scheduling instability plays in contributing to financial insecurity for families;

(3) The impact of volatile scheduling on businesses, including, but not limited to, absenteeism, poor worker morale, and productivity;

(4) The consequences of scheduling volatility for families and children, including, but not limited to, access to licensed child care, continuity of child care, and the reliance on family relations to address such volatility;

(5) The extent to which scheduling instability contributes to churn in public assistance programs, in which individuals temporarily lose eligibility and then quickly requalify and reapply for assistance due to income volatility;

(6) The child care needs of workers with nonstandard and volatile job schedules and current child care options available to such employees; and

(7) The role that the growth of "just in time" scheduling and other technological advances have played in scheduling instability.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 145.** Introduced by Howard, 9.

**PURPOSE:** The purpose of this interim study is to examine the importance of Title IV-E Funds and more specifically the federal adoption assistance program.

The adoption assistance program provides funds to states to facilitate the timely placement of children, who, due to special needs or circumstances, would otherwise be difficult to place, with adoptive families. Authorized under Title IV-E of the Social Security Act, the adoption assistance program provides federal matching funds, depending on the per capita income of the state. Assistance is contingent upon an approved state plan to administer the program. States must abide by reporting requirements to continue receiving funds. Funds are available for a one-time payment to assist with the costs of adopting a child as well as for monthly subsidies to adoptive families to assist with the care of the eligible child.

States may earn these adoption incentives in four ways: An increase in the number of children adopted from foster care; an increase in the number of children adopted at age nine or older; an increase in the number of children adopted with special needs and who are under the age of nine; or an increase in the rate at which children are adopted from foster care.

Questions to be addressed by the study include, but are not limited to, the following:

(1) What is the average annual amount of funding received through the federal adoption assistance program since its inception in 1997;

(2) Is it necessary to readdress the components of the Nebraska state plan in order to maximize funding through the federal adoption assistance program; and

(3) What is the average annual number of children receiving Title IV-E adoption assistance in Nebraska; and

4. How often has the use of adoption assistance funds resulted in family permanency for a child?

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 146.** Introduced by Murante, 49.

**PURPOSE:** The purpose of this resolution is to examine any issues within the jurisdiction of the Government, Military and Veterans Affairs Committee of the Legislature.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 147.** Introduced by Crawford, 45.

**PURPOSE:** The purpose of this resolution is to conduct a comprehensive review of the Nebraska State Immunization Information System (NESIIS) and examine opportunities to increase the rate of immunizations reported to the system across the state. The study shall include, but not be limited to, an examination of the following issues:

(1) National best practices relating to mandatory immunization reporting requirements;

(2) The ability of facilities to effectively report to NESIIS with existing resources; and

(3) Opportunities to improve immunization data available to school districts through mandatory reporting to NESIIS.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 148.** Introduced by Walz, 15.

PURPOSE: The purpose of this resolution is to study school meal programs in Nebraska, barriers to participation, and potential strategies to maximize the role of school meal programs in addressing child hunger. This study shall include, but not be limited to, an examination of the following issues:

- (1) Participation rates in school meal programs;
- (2) Barriers to participation, establishment, and maintenance of school meal programs;
- (3) The policies and procedures schools and school districts have in place regarding students' unpaid food accounts;
- (4) Models for increasing school breakfast participation, including, but not limited to, the community eligibility option; and
- (5) Any other related topics the study committee deems appropriate.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 149.** Introduced by Linehan, 39; Wayne, 13.

PURPOSE: The purpose of this resolution is to study the administrative structure and organization of school districts across the state.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**VISITORS**

Visitors to the Chamber were 41 fourth-grade students from St. Michael's School, Hastings; and 45 fourth-grade students and sponsors from Washington Elementary, Omaha.

**RECESS**

At 11:38 a.m., on a motion by Senator Brewer, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Watermeier who was excused; and Senators Baker, Lindstrom, and Wishart who were excused until they arrive.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 9, 2017, at 11:50 a.m. were the following: LBs 332e, 331e, and 327e.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 150.** Introduced by Hughes, 44; Groene, 42.

**PURPOSE:** The purpose of this resolution is to examine the ratio of administration, faculty, and support staff to student enrollment within secondary education in Nebraska. The study committee shall examine trends for the past ten and twenty years and the cost of each group.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 151.** Introduced by Pansing Brooks, 28; Chambers, 11; Ebke, 32; Hilgers, 21; Krist, 10.

**WHEREAS,** in 1964, Gerald Gault, a 15-year-old boy, was taken into police custody without his parents being notified; was never advised of his constitutional rights, including his right to appointed counsel; and was

ordered to spend nearly six years in a state youth correctional agency for allegedly making a prank call, a charge never proven by constitutionally mandated standards; and

WHEREAS, on May 15, 1967, the U.S. Supreme Court announced its decision in *In re Gault*, 387 U.S. 1, finding that the constitutional guarantees of due process apply whenever children are brought before a juvenile court; and

WHEREAS, children brought before a juvenile court on delinquency or status charges are entitled to legal representation, because, as the U.S. Supreme Court found, a child "requires the guiding hand of counsel at every step in the proceedings against him"; and

WHEREAS, children brought before a juvenile court on delinquency or status charges are entitled to a timely notification of the charges against them; and

WHEREAS, children brought before a juvenile court on delinquency or status charges have the right to be protected against self-incrimination; and

WHEREAS, children brought before a juvenile court on delinquency or status charges have the right to question witnesses; and

WHEREAS, children who are our most vulnerable defendants are also our most valuable assets; and

WHEREAS, the year 2017 marks the 50th anniversary of the U.S. Supreme Court's landmark decision of *In re Gault*.

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

1. That the important legacy of the *In re Gault* decision is acknowledged.
2. That the necessity of providing due process protections for all children accused of a crime or status offense in Nebraska is recognized.
3. That all people of Nebraska are encouraged to recognize and honor the 50th anniversary of the *Gault* decision.
4. That the Legislature supports the improvement of the juvenile justice system in a manner that appreciates the unique nature of childhood and adolescence.
5. That the Legislature pledges itself to acknowledge and redress disparities in representation, due process, and decision making in the juvenile courts that remain for children 50 years after the *Gault* decision.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR151 was referred to the Reference Committee.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 152.** Introduced by McDonnell, 5; Vargas, 7.

WHEREAS, National Hispanic Heritage Month was first celebrated in 1989, and grew out of National Hispanic Heritage Week, which was created by a joint resolution of Congress in 1968 and annual proclamations by the President each year since; and

WHEREAS, National Hispanic Heritage Month is observed from September 15 through October 15 and covers the independence days of Chile, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, and Nicaragua and other cultural and historical holidays, including Día de la Raza (Day of the Race) and Día de Las Américas (Day of the Americas); and

WHEREAS, National Hispanic Heritage Month is a celebration and commemoration of Latin-American, Hispanic, and Latino history and culture; and

WHEREAS, the Latino/Latina community in Nebraska has made tremendous contributions in business, education, and civic engagement; and

WHEREAS, Latino people play an integral role in American society, and it is vitally important that we honor and celebrate their contributions to our culture and to the State of Nebraska.

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

1. That the Legislature designates September 15 through October 15, 2017, as Hispanic Heritage Month in the State of Nebraska.

2. That Nebraskans are encouraged to come together to recognize, commemorate, and celebrate the Latino and Latina people, past and present, who have worked tirelessly to overcome obstacles of language, culture, and tradition to positively impact American society and become an integral part of our local communities.

3. That Nebraskans are also encouraged to study Hispanic culture and history, recognize Hispanic contributions in their communities, and strive for appreciation and equality year-round in order to celebrate our past and brighten our future.

Laid over.

**LEGISLATIVE RESOLUTION 153.** Introduced by Pansing Brooks, 28; Baker, 30; Hansen, 26; McCollister, 20; Morfeld, 46.

PURPOSE: Article I, section 1, of the Constitution of Nebraska states that all persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty, and the pursuit of happiness. Article 1, section 3, states that no person shall be deprived of life, liberty, or property, without due process of law, nor be denied equal protection of the laws.



Further, under both section 28-707 of the Nebraska Criminal Code and section 28-710 of the Child Protection and Family Safety Act, child abuse is defined as knowingly, intentionally, or negligently causing or permitting a minor child to be, among other things, placed in a situation that endangers his or her life or physical or mental health.

In order to protect the civil rights of lesbian, gay, bisexual, and transgender (LGBT) youth, six states have banned conversion therapy, which is the practice of attempting to change a person's sexual orientation or gender identity.

Recognizing the need to protect the civil rights and safety of Nebraska's vulnerable youth, this study shall include an examination of the following:

- (1) Whether forcing or coercing a minor into a conversion therapy program constitutes a civil rights violation;
- (2) Whether minors in Nebraska are currently being detained in conversion therapy facilities without due process of law;
- (3) Whether conversion therapy programs designed to change the sexual orientation of minors constitute a form of child abuse under existing Nebraska law;
- (4) The existence and practice of conversion therapy in Nebraska for minors; and
- (5) The risks and harm to minors that are associated with the practice of conversion therapy.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **GENERAL FILE**

**LEGISLATIVE RESOLUTION 1CA.** Senator Wayne offered his motion, MO10, found on page 220, to indefinitely postpone pursuant to Rule 6, Section 3(f).

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

Senator Wayne moved for a call of the house. The motion prevailed with 35 ayes, 1 nay, and 13 not voting.

Senator Wayne requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 18:

Blood	Ebke	Kolowski	Morfeld	Wayne
Bolz	Hansen	Krist	Pansing Brooks	Wishart
Chambers	Harr	McCollister	Quick	
Crawford	Howard	McDonnell	Vargas	

Voting in the negative, 25:

Albrecht	Clements	Groene	Kuehn	Riepe
Bostelman	Craighead	Halloran	Larson	Scheer
Brasch	Erdman	Hilgers	Linehan	Smith
Brewer	Friesen	Hilkemann	Lowe	Stinner
Briese	Geist	Hughes	Murante	Williams

Present and not voting, 2:

Schumacher Walz

Excused and not voting, 4:

Baker Kolterman Lindstrom Watermeier

The Wayne motion to indefinitely postpone failed with 18 ayes, 25 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Read. Considered.

Senator Murante offered the following motion:

MO128

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Murante moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Murante requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 26:

Albrecht	Craighead	Hilgers	Linehan	Stinner
Bostelman	Erdman	Hilkemann	Lowe	Williams
Brasch	Friesen	Hughes	Murante	
Brewer	Geist	Kolterman	Riepe	
Briese	Groene	Kuehn	Scheer	
Clements	Halloran	Larson	Smith	

Voting in the negative, 17:

Blood	Hansen	Krist	Quick	Wishart
Bolz	Harr	McDonnell	Schumacher	
Chambers	Howard	Morfeld	Vargas	
Crawford	Kolowski	Pansing Brooks	Wayne	

Present and not voting, 3:

Ebke	McCollister	Walz
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Excused and not voting, 3:

Baker	Lindstrom	Watermeier
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The Murante motion to invoke cloture failed with 26 ayes, 17 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

#### **MESSAGE(S) FROM THE GOVERNOR**

May 9, 2017

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 97, 152, 172, 223e, 253, 257, 300, 323, 346, 478e, 481, 509, 509A, and 605e were received in my office on May 3, 2017.

These bills were signed and delivered to the Secretary of State on May 9, 2017.

(Signed) Sincerely,  
 Pete Ricketts  
 Governor

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 154.** Introduced by Howard, 9.

**PURPOSE:** The purpose of this resolution is to examine Nebraska's utilization of Temporary Assistance for Needy Families (TANF) funds. The study should focus on, but not be limited to, gathering information on utilization, transfer, and availability of TANF block grant funds. The study should also include a breakdown of funding utilization by use including, but not limited to, basic assistance, administration, work-related activities, child care, tax credits, pregnancy prevention, and other non-assistance, as well as specific uses within those categories.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 155.** Introduced by Howard, 9.

**PURPOSE:** Nationally, an estimated 11 percent of students experience campus rape, sexual assault, or sexual violence, with rates as high as 23 percent for female undergraduate students. Campus policies, law enforcement, and proactive action all play a role in reducing rates of campus sexual assault and ensuring that victims are protected when they report such assaults.

The purpose of this interim study is to examine campus policies and efforts aimed at reducing incidents of campus sexual violence and protecting the victims of such violence in Nebraska. This study will also compare practices in Nebraska with national best practices in reducing campus sexual violence. The study shall include, but is not limited to:

(1) A compilation and examination of campus policies surrounding rape, sexual assault, and any other category of campus sexual violence or behavior, for all campuses of the University of Nebraska, for all colleges in the Nebraska State College System, and for each community college. Additionally, private institutions of higher education are encouraged to participate; and

(2) Recommendations as to any statutory changes the Legislature should make in order to promote campus actions that reduce sexual violence, recommendations to campuses to reduce rates of sexual violence, and any relevant recommendations to improve protection for victims of campus sexual violence.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 156.** Introduced by Howard, 9.

**PURPOSE:** The purpose of this resolution is to study the ongoing implementation of the Child Care and Development Block Grant Act of 2014 and related state law and policy. The study committee shall assess needs, issues, and innovative opportunities arising from the implementation of the federal act and shall determine the next steps for the Legislature to maximize and ensure compliance, by October 1, 2018, with the final rule of the Office of Child Care, Administration for Children and Families, United States Department of Health and Human Services.

The study shall include, but not be limited to, the following:

- (1) Examining current child care licensing application processes and process improvement;
- (2) Reviewing opportunities to improve child care licensing regulations to exceed the minimum requirements necessary to protect the health and safety of children;
- (3) Exploring how to track information on the extent of provider participation in the child care subsidy program and barriers to participation;
- (4) Exploring how to track information on access to the child care subsidy program for eligible children and also by race and ethnicity;
- (5) Reviewing payment rates as well as late or delayed payments and obstacles that may force some providers to stop serving or limit the number of children receiving subsidies;
- (6) The estimated cost of care necessary to support higher-quality care;
- (7) Reviewing payment rates in accordance with the results of the most current market rate survey;
- (8) Exploring the continued use of the current market rate survey methodology or the utilization of an alternative methodology in setting payment rates within the context of market conditions so that rates are sufficient to provide equal access to the full range of child care services, including high-quality care; and
- (9) Reviewing the federal statutory requirement for equal access to available child care for families served through the child care subsidy program and ensuring payment rates meet new federal guidance.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 157.** Introduced by Bolz, 29.

PURPOSE: The purpose of this interim study is to examine the January 1, 2017 implementation of the managed care delivery system for the State of Nebraska. The study will examine the implementation of the Heritage Health program and related experiences of providers and consumers.

The study shall include an examination of the following issues:

(1) Authorizations, credentialing, contracting, claims payments, and administrative procedures;

(2) The experiences of providers and consumers in accessing services;

(3) Successes and challenges in implementation of managed care; and

(4) The impact of managed care on the state budget.

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

1. That the Appropriations Committee of the Legislature, in cooperation with the Health and Human Services Committee of the Legislature, shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall by December 1, 2017, make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 158.** Introduced by Williams, 36.

PURPOSE: The purpose of this resolution is to study whether the unclaimed property laws of this state should be updated. The study should include an examination of LB141, One Hundred Fifth Legislature, First Session, 2017, which proposes replacing the current Uniform Disposition of Unclaimed Property Act, sections 69-1301 to 69-1329 of the Nebraska Revised Statutes, with the Revised Uniform Unclaimed Property Act (2016) drafted by the National Conference of Commissioners on Uniform State Laws. In order to carry out the purpose of this resolution, the committee should seek the assistance of the State Treasurer, members of the National Conference of Commissioners on Uniform State Laws, and interested persons as the committee deems necessary and appropriate.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 159.** Introduced by Hughes, 44.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Natural Resources Committee of the Legislature.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 160.** Introduced by Hughes, 44; Wayne, 13.

PURPOSE: The purpose of this interim study is to examine the ability of municipalities in Nebraska to offer relocation incentives to attract new residents. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of current relocation incentives that can be offered by municipalities in this state, including incentives under the Local Option Municipal Economic Development Act, commonly referred to as LB 840;

(2) A review of relocation incentives currently being offered by municipalities in other states; and

(3) An examination of provisions in the Constitution of Nebraska that could potentially limit the ability of the Legislature to authorize municipalities to offer relocation incentives.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 161.** Introduced by Smith, 14.

**PURPOSE:** The purpose of this resolution is to examine the structure and administration of, and compliance with, state individual income and corporate income taxes, including financial institution and insurance premium taxes.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 162.** Introduced by Smith, 14.

**PURPOSE:** The purpose of this resolution is to examine the structure and administration of, and compliance with, state and local sales and use taxes and any other miscellaneous taxes.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 163.** Introduced by Smith, 14.

**PURPOSE:** The purpose of this resolution is to examine the structure and administration of, and compliance with, real and personal property taxes.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.



2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 164.** Introduced by Quick, 35; Friesen, 34.

PURPOSE: Tourism generates more revenue than all but two other industries in Nebraska, making the quality of sites that attract tourists important to this state's economy. The purpose of this resolution is to study the need for restoration, development, and capital improvement of sites that attract tourists to and within Nebraska, as well as potential sources of funding, including state and local resources, for such restoration and development. All reasonable sources of possible funding should be explored, including the potential for creation of tourism improvement districts. This study should also consider what legislation might be necessary and prudent to enable the creation of such districts and other funding sources.

In order to carry out the purposes of this resolution, the study committee shall consider the input of interested persons, including the tourism industry and the Nebraska Tourism Commission, as the committee deems necessary and beneficial.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 165.** Introduced by Brasch, 16; Albrecht, 17.

WHEREAS, Trevor Hasenkamp and Nick Svoboda read about the tragic fires in Kansas, Oklahoma, and Texas and responded by organizing help for the ranchers in need; and

WHEREAS, Bill Hasenkamp, Mark Dinslage, Robert Schneider, Taron Hasenkamp, Matt Heiman, Keith Thomsen, Timothy Eichelberger, Dave Gaer, and Chaundra Hasenkamp joined the effort to deliver fencing materials and cattle feeding products to the ranchers near Ashland in southwest Kansas; and

WHEREAS, the farming community came together to donate two flatbeds of supplies and eight semis loaded with hay; and

WHEREAS, the young farmers are continuing to accept donations for ongoing expenses and plan to return to Kansas to provide more help.

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

1. That the Legislature honors Trevor Hasenkamp, Nick Svoboda, Bill Hasenkamp, Mark Dinslage, Robert Schneider, Taron Hasenkamp, Matt Heiman, Keith Thomsen, Timothy Eichelberger, Dave Gaer, Chaundra Hasenkamp, and all those who donated to their efforts to assist ranchers facing unimaginable losses.

2. That copies of this resolution be sent to Trevor Hasenkamp, Nick Svoboda, Bill Hasenkamp, Mark Dinslage, Robert Schneider, Taron Hasenkamp, Matt Heiman, Keith Thomsen, Timothy Eichelberger, Dave Gaer, and Chaundra Hasenkamp.

Laid over.

**LEGISLATIVE RESOLUTION 166.** Introduced by Morfeld, 46.

PURPOSE: The purpose of this interim study is to better understand the scope and breadth of mental health education currently provided in Nebraska schools and to study the reasons mental health education is, or is not, taught in K-12 health classes. Mental health amongst youth is a growing concern, with more young people being diagnosed with mental illnesses every year. In order to carry out the purposes of this resolution, the study committee shall seek the assistance and input of mental and physical health care professionals, teachers and administrators from public schools, staff members of the Nebraska Department of Education, and mental health advocates within the community. The study committee shall:

(1) Obtain information regarding how many adolescents in Nebraska are currently diagnosed with a mental illness;

(2) Determine the state of mental health education in various schools and the capacity of schools to offer this type of curriculum;

(3) Understand the research on the potential effects of mental health education on students with mental health concerns and their peers, parents, and teachers;

(4) Determine the appropriate scope and sequence for mental health education;

(5) Develop a plan of action to increase mental health education; and

(6) Examine the training in teacher preparation programs related to mental health education.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 167.** Introduced by Morfeld, 46.

**PURPOSE:** The purpose of this interim study is to examine ways to improve the coverage of hearing aid costs for Nebraska families. The study committee shall coordinate with the Commission for the Deaf and Hard of Hearing and work with interested stakeholders to identify the areas of concern, conduct necessary research, and explore various ways to address the needs identified. The issues addressed by this interim study shall include, but not be limited to:

- (1) How other states cover hearing aid costs;
- (2) Whether hearing aid coverage should be included as an essential health benefit under the federal Patient Protection and Affordable Care Act or other applicable federal provisions;
- (3) An examination of health insurance coverage options for persons requiring hearing aids; and
- (4) Recommendations on how to improve the services being provided by the hearing aid banks.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 168.** Introduced by Lowe, 37; Albrecht, 17; Crawford, 45; Halloran, 33; Howard, 9.

**PURPOSE:** The purpose of this interim study is to examine the feasibility of adopting a workers' compensation drug formulary. The study committee shall examine the following:

- (1) Whether prescribing practices in workers' compensation cases affect or contribute to the prescription opioid problem;
- (2) Whether the use of a drug formulary would result in more efficient delivery of medications, provide workers with reasonable and necessary care and treatment, and reduce utilization of habit-forming opioids and narcotics;
- (3) The extent to which use of a workers' compensation drug formulary would provide savings in workers' compensation claims;
- (4) Whether the use of a drug formulary can decrease the length of disability for injured workers and increase return-to-work rates and outcomes; and

(5) Whether a workers' compensation drug formulary, if adopted, should cover all prescription drugs or be limited to only controlled substances or only opioids.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 169.** Introduced by Williams, 36; Crawford, 45; Howard, 9.

PURPOSE: The purpose of this study is to examine whether the birth defects registry laws of this state should be updated. The birth defects registry laws have not been substantially revised since being enacted in 1972. The study shall examine the purpose and use of the registry to determine if updates to the laws are necessary to increase education and awareness about birth defects.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 170.** Introduced by Groene, 42; Ebke, 32; Erdman, 47; Linehan, 39; Morfeld, 46.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Education Committee of the Legislature that may arise during the interim.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 171.** Introduced by Brewer, 43; Brasch, 16.

**PURPOSE:** The purpose of this resolution is to examine instruments for accomplishing the purposes of LB499, introduced during the 2017 legislative session, which sought to minimize conflict in the availability and utilization of bee forage resources between domestic apiaries and the temporary placement of out-of-state commercial apiaries during the bee foraging season. The study shall:

- (1) Gather examples of distance buffers recommended by the beekeeping industry and regulatory standards utilized by other states;
- (2) Examine regulatory, enforcement, and educational measures available to accomplish the purposes of LB499;
- (3) Develop estimates of any costs to the state or other public or private entities; and
- (4) Develop options to fund any activities related to the purposes of the bill. The study committee shall solicit the advice and input of beekeeping organizations, individual beekeepers, and others with relative expertise.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 172.** Introduced by Wishart, 27.

**PURPOSE:** The Department of Correctional Services has experienced significant issues in the recruitment and retention of staff throughout their system. Currently, there are several facilities with more significant issues than others, including the Nebraska State Penitentiary, the Lincoln Correctional Center, and the Tecumseh State Correctional Institute.

In a recent staff survey completed by the Inspector General of the Nebraska Correctional System, only 28.4% of those who responded indicated that they were satisfied with their employment. In addition, only 16.9% of those who responded agreed with the statement that the department is headed in a positive direction, and only 44.1% of those who responded saw themselves working for the department in three years.

The purpose of this interim study is to review recruitment and retention efforts that are currently or could potentially be undertaken by the department. The study shall include:

(1) An examination of the vacancies and staffing challenges at each facility;

(2) A review of Department of Administrative Services' policies that impact the ability of the Department of Correctional Services to recruit and retain staff;

(3) An examination of the work environment throughout the correctional system; and

(4) Any recommendations regarding the improvement of the work environment, salary structure, recruitment and retention strategies, and any other related efforts that could be made by the Department of Correctional Services to address its staffing situation.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 173.** Introduced by Wishart, 27.

PURPOSE: As inmates move through the state correctional system with the goal of reentering society, two of the keys to success are obtaining job skills and saving funds. Currently, inmates who reach a community corrections center are engaged in either a work detail position or a work release position. Inmates in other facilities may be eligible for other job opportunities within those facilities. In a work detail position, an inmate typically works for a state agency and earns a small wage. In a work release position, an inmate actually works in a community and is able to earn at least the minimum wage.

The purpose of this interim study is to review the work detail and work release efforts at the community corrections centers and also to review whether other inmates, such as inmates classified as minimum custody, would be able to fill at least some of the work detail positions. This would enable such inmates to gain key job skills and would potentially make additional work release opportunities available. The study committee should also review the function of the Work Ethic Camp in McCook and examine whether this facility could be utilized in a new manner that would assist inmates in successfully transitioning back into their communities.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR151	Judiciary

(Signed) John Kuehn, Vice Chairperson  
Executive Board

#### **VISITORS**

Visitors to the Chamber were members of Dawson Area Development Leadership class, from Dawson County.

The Doctor of the Day was Dr. Josue Gutierrez from Lincoln/Crete.

#### **ADJOURNMENT**

At 2:50 p.m., on a motion by Senator Ebke, the Legislature adjourned until 9:00 a.m., Wednesday, May 10, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature





**EIGHTIETH DAY - MAY 10, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**EIGHTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 10, 2017

**PRAYER**

The prayer was offered by Pastor Kathy Gerking, St. Timothy's Lutheran Church, Omaha.

**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, Hansen, Kuehn, Stinner, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-ninth day was approved.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 174.** Introduced by Friesen, 34; Bostelman, 23; Briese, 41; Geist, 25; Hughes, 44.

**PURPOSE:** The purpose of this interim study is to review the implementation of the 911 Service System Act. The 911 Service System Act was enacted in 2016 and directed the Public Service Commission to begin the process of implementation of the act. Pursuant to the act, the commission delivered a preliminary report on February 1, 2017, detailing progress on the development of the implementation plan. The commission will deliver an adopted implementation plan for the 911 service system no later than December 1, 2017. The adopted implementation plan may also include proposed legislation necessary to implement the plan. Following receipt of the adopted plan and prior to commencement of the 2018 legislative session, the study committee shall conduct public hearings as necessary regarding the plan and suggested legislative proposals.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 175.** Introduced by Friesen, 34; Bostelman, 23; Briese, 41; Hughes, 44.

**PURPOSE:** The purpose of this interim study is to conduct an examination of the issues related to reforming the regulation of basic local exchange service rates charged by incumbent local exchange telecommunications carriers subject to the jurisdiction of the Public Service Commission. The study shall specifically review the changes proposed by LB573 during the 2017 legislative session as well as regulatory reform undertaken in other states.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 176.** Introduced by Friesen, 34; Bostelman, 23; Briese, 41; Hughes, 44.

**PURPOSE:** The purpose of this interim study is to examine the provision of broadband telecommunication services within the state. The study shall include an examination of the following:

(1) The availability, quality, and affordability of broadband telecommunications services within the state;

(2) The operation of federal subsidies administered by the Federal Communications Commission to support the provision of broadband service;

(3) Review mechanisms developed by the Public Service Commission (PSC) for the distribution of broadband support, including procedures employed to ensure recipients account for the use of funding;

(4) Review the efforts of the PSC and of other states to effectuate reform of the contributions methodology employed to support universal service programs; and

(5) Examine the feasibility of authorizing the establishment of municipal broadband authorities for the provision of broadband telecommunications services by political subdivisions.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 177.** Introduced by Friesen, 34.

PURPOSE: The purpose of this resolution is to investigate and review matters and issues arising during the interim which are within the jurisdiction of the Transportation and Telecommunications Committee of the Legislature.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 178.** Introduced by Kolterman, 24.

PURPOSE: The purpose of this resolution is to examine existing telehealth and telemedicine systems and capabilities in Nebraska and opportunities to expand telehealth usage across the state. This study shall include, but not be limited to, the following issues:

(1) A review of the best practices among states that have adopted legislation, rules and regulations, or executive orders to allow for telehealth and telemedicine;

(2) A review of which telehealth and telemedicine systems work best for patients and health care providers;

(3) A review of the barriers to telehealth usage and expansion and potential solutions to grow and develop telehealth services across the state; and

(4) A review of how telehealth and telemedicine may address mental health and substance abuse issues in this state.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### MESSAGE(S) FROM THE GOVERNOR

May 10, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Environmental Trust Board:

Quentin Bowen, 71294 630 Blvd., Humboldt, NE 68376

Also, contingent upon your approval, the following individual is being reappointed to the Nebraska Environmental Trust Board:

Paul Dunn, 2508 S. 35 Street, Omaha, NE 68105

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

May 10, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Boiler Safety Code Advisory Board:

Gerald Whitlock, 2710 John Street, Papillion, NE 68133

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

May 10, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Technical Advisory Committee for Statewide Assessment:

Cindy Gray, 3861 S. 182nd Street, Omaha, NE 68130

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

May 10, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Commission on Problem Gambling:

Matthew Monheiser, 107 Virginia Lane, Sidney, NE 69162  
Robert L. Muelleman, M.D., 6469 Cuming Street, Omaha, NE 68132

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

May 10, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Natural Resources Commission:

James A. Shields, 606 Sunset Drive, Fort Calhoun, NE 68023

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

May 10, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Power Review Board:

Chuck Hutchison, 13904 Rahn Blvd., Bellevue, NE 68123

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

May 10, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Motor Vehicle Industry Licensing Board:

Thomas Dinsdale, 1919 Lamar Avenue, Grand Island, NE 68801  
Steven Hinchcliff, 3412 S. 228 Terrace, Elkhorn, NE 68022

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

May 10, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Commission of Industrial Relations:

Dallas Jones, 1900 S. 25 Street, Lincoln, NE 68502

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services

Room 1510

Tuesday, May 23, 2017 1:00 p.m.

Joel Bessmer - State Board of Health (cancel)  
Kyle Klammer - Nebraska Rural Health Advisory Commission (cancel)

Wednesday, May 17, 2017 1:00 p.m.

Joel Bessmer - State Board of Health  
Kyle Klammer - Nebraska Rural Health Advisory Commission

(Signed) Merv Riepe, Chairperson

Judiciary

Room 1113

Wednesday, May 17, 2017 8:00 a.m.

LR151

(Signed) Laura Ebke, Chairperson



**GENERAL FILE**

**LEGISLATIVE BILL 632.** Title read. Considered.

Committee AM1303, found on page 1378, was offered.

Senator Blood offered her amendment, AM1350, found on page 1370, to the committee amendment.

Pending.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR123 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR123.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Bowen, Quentin - Nebraska Environmental Trust Board - Natural Resources  
Dinsdale, Thomas - Motor Vehicle Industry Licensing Board -  
Transportation and Telecommunications  
Dunn, Paul - Nebraska Environmental Trust Board - Natural Resources  
Gray, Cindy - Technical Advisory Committee for Statewide Assessment -  
Education  
Hinchcliff, Steven - Motor Vehicle Industry Licensing Board -  
Transportation and Telecommunications  
Hutchison, Chuck - Nebraska Power Review Board - Natural Resources  
Jones, Dallas - Commission of Industrial Relations - Business and Labor  
Monheiser, Matthew - Nebraska Commission on Problem Gambling -  
General Affairs  
Muelleman, Robert L. - Nebraska Commission on Problem Gambling -  
General Affairs  
Shields, James A. - Nebraska Natural Resources Commission - Natural  
Resources  
Whitlock, Gerald - Boiler Safety Code Advisory Board - Business and  
Labor

(Signed) Dan Watermeier, Chairperson  
Executive Board

**COMMITTEE REPORT(S)**

## Agriculture

The Agriculture 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.

Beth Smith - Nebraska State Fair Board

Aye: 7 Albrecht, Blood, Brasch, Halloran, Harr, Krist, Lowe. Nay: 0.  
Absent: 1 Chambers. Present and not voting: 0.

(Signed) Lydia Brasch, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 179.** Introduced by Brasch, 16.

**PURPOSE:** The purpose of this resolution is to examine the application of the Livestock Brand Act to dairy animals and dairy operations located within the mandatory brand inspection area. It is the goal of this resolution to develop information regarding characteristics of dairy operations in Nebraska, including the movements and transfers of ownership of dairy animals within and between dairy operations and other livestock sectors, and to explore options to tailor the application of the brand inspection law with respect to dairies.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 180.** Introduced by Brasch, 16.

**PURPOSE:** The purpose of this resolution is to examine opportunities for increased coordination, consultation, and mutual assistance between the Nebraska Brand Committee and the Department of Agriculture to better utilize the resources and authority of the brand committee to support enforcement of animal import and livestock disease programs, livestock development and promotion efforts, and other means to enhance the value of brand committee services to the livestock industry in Nebraska. In particular, the study committee shall review brand committee planning and implementation to optimize the number of law enforcement and certified

investigative personnel available for brand enforcement and livestock theft investigation. The study shall identify any statutory, policy, structural, or other obstacles or constraints to enhanced cooperation between the brand committee and the Department of Agriculture for the purposes identified in this resolution.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 181.** Introduced by Ebke, 32.

PURPOSE: The purpose of this resolution is to examine recommendations for procedures to be used for a convention of the states under Article V of the Constitution of the United States.

The study shall include an examination of the following:

- (1) The election or appointment process for Nebraska's delegation of commissioners to a convention;
- (2) The scope of the commissioners' authority at a convention;
- (3) Procedures for state oversight of commissioners and procedures for communication with commissioners; and
- (4) Recommendations for fines, penalties, and recall procedures for a commissioner who acts in violation of his or her commission.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature, the Governor, the Attorney General, and the Secretary of State.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 182.** Introduced by Murante, 49.

PURPOSE: The purpose of this resolution is to study the extent of voter fraud in Nebraska and possible methods of detecting and combating voter fraud. This study is needed in order to preserve the relative power of each eligible citizen's right to vote, to modernize the election infrastructure of this

state, and to ensure the integrity of the elections of this state so as to preserve public confidence in the legitimacy of elected government.

The study shall include an examination of the following:

- (1) The extent to which voter fraud occurs in the State of Nebraska;
- (2) How an individual could commit voter fraud;
- (3) How voter fraud is investigated;
- (4) The extent to which such investigations occur;
- (5) Possible ways to improve the detection of voter fraud; and
- (6) Any other matters relevant to preserving the integrity of Nebraska's elections.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 183.** Introduced by Albrecht, 17.

**PURPOSE:** The purpose of this study is to analyze and review reimbursement rates for ambulatory surgical centers and outpatient hospitals with respect to the provision of workers' compensation services in Nebraska. The intent is to determine the effectiveness of current billing and reimbursement methods and to examine the potential benefits of adding such methods to existing fee schedules for other medical service providers under the Nebraska Workers' Compensation Act.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 184.** Introduced by Walz, 15; Lindstrom, 18.

**PURPOSE:** The purpose of this resolution is to study whether the Real Property Appraiser Act should be amended. The study should include an examination of issues raised during consideration of LB 551, which is

currently pending in the Banking, Commerce and Insurance Committee of the Legislature, regarding changes in qualifications for real property appraiser credentials.

In order to carry out the purpose of this resolution, the study committee should consider the input of interested individuals, public officials, and such entities as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 185.** Introduced by Albrecht, 17.

PURPOSE: The purpose of this resolution is to examine the Farm Labor Contractors Act. The issues to be addressed by this interim study shall include, but not be limited to:

- (1) A review of the process for granting licenses under the act;
- (2) A review of the act's role in protecting the rights of migrant workers; and
- (3) An assessment of the act's viability as a tool for regulating the activities of seasonal and migrant contractors.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 186.** Introduced by Howard, 9.

PURPOSE: The purpose of this resolution is to examine the Nebraska Prescription Drug Monitoring Program and how providers access prescription drug data. The Nebraska Prescription Drug Monitoring Program is housed within the Nebraska Health Information Initiative, a public-private partnership that primarily serves as a home for the state health information exchange. The monitoring program is currently provided at no cost to providers or dispensers and is primarily funded with federal grant money.

This study shall examine the process of monitoring dispensed medication and the implementation of LB471 (2016). The study committee shall also examine issues including, but not limited to:

- (1) The sustainability of the Nebraska Prescription Drug Monitoring Program;
- (2) The extent of opioid abuse in Nebraska;
- (3) Monitoring prescription drug cash payments;
- (4) Current strengths and proposed policy changes needed to increase interstate operability; and
- (5) Continued policy discussion, including access to information for veterinarians and third-party payors.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 187.** Introduced by Howard, 9.

**PURPOSE:** The Division of Children and Family Services of the Department of Health and Human Services provides for five primary service areas that are aligned with the judicial districts as set forth by the Nebraska Supreme Court. The Division of Children and Family Services serves abused and neglected children, juvenile offenders, and vulnerable adults. The service areas, while aligned by judicial district, are geographically unique and have different service needs. The purpose of this study is to determine the strengths and weaknesses of each service area and how best practices may be shared among the five service areas.

The study committee shall examine issues including, but not limited to:

- (1) Identifying specific services available for children, juvenile offenders, and vulnerable adults in each service area with the following descriptions:
  - (a) What concerns services are designed to address;
  - (b) Availability of evidence-based services;
  - (c) Accessibility and transportation;
  - (d) Wait times; and
  - (e) Time limitations on amount of service provided;
- (2) If needed services are not available in a service area, an explanation of why a given service is not available;
- (3) Availability of written reports for the services being performed;
- (4) Whether programs or services are goal-driven and outcome-oriented, and who determines the goals and whether progress is being made in each program or service provided;
- (5) Services for prevention and early intervention for families, including:

- (a) Types of services currently available; and
- (b) Services still needed; and
- (c) Cost differentiation for services by area.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 188.** Introduced by Howard, 9.

PURPOSE: The Division of Public Health of the Department of Health and Human Services is responsible for preventative and community health programs and services. The division brings all elements of public health, including vital statistics and several data registries within the State of Nebraska, under a single entity. The division serves as the main point of data collection related to public health, epidemiology, and syndromic surveillance for the State of Nebraska. With the ever-changing nature of data collection technology, it is crucial to conduct a systematic review of policies and procedures relating to sustainability, organization, and best practices.

The study committee shall review issues including, but not limited to:

- (1) Determining the capacity and scope of information and the number of different data bases within the Division of Public Health;
- (2) Identifying staffing and technology needs for tracking public health data through the division;
- (3) Evaluating the effectiveness of the division's current methods of data base management and information tracking;
- (4) Determining the feasibility of improving the quality of current data collection practices to preserve state resources, including streamlining data bases that could be combined; and
- (5) Examining whether the current public-private partnership that serves as the state health information exchange could assist in condensing and providing support for public health reporting.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**GENERAL FILE**

**LEGISLATIVE BILL 632.** The Blood amendment, AM1350, found on page 1370 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Crawford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Senator Blood moved for a call of the house. The motion prevailed with 32 ayes, 2 nays, and 15 not voting.

The Blood amendment was adopted with 30 ayes, 4 nays, 13 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

**NOTICE OF COMMITTEE HEARING(S)**

Business and Labor

Room 1525

Wednesday, May 17, 2017 1:00 p.m.

Gerald Whitlock - Boiler Safety Code Advisory Board

Room 2102

Thursday, May 18, 2017 1:00 p.m.

Dallas Jones - Commission of Industrial Relations

(Signed) Joni Albrecht, Chairperson

Education

Room 1525

Tuesday, May 23, 2017 12:20 p.m.

LR98 (cancel)

(Signed) Mike Groene, Chairperson



## Nebraska Retirement Systems

Room 1525

Wednesday, May 24, 2017 12:00 p.m.

Omaha School Employees Retirement System Actuarial Report (cancel)

Thursday, May 18, 2017 12:00 p.m.

Omaha School Employees Retirement System Actuarial Report

(Signed) Mark Kolterman, Chairperson

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 189.** Introduced by Morfeld, 46; McCollister, 20.

PURPOSE: The purpose of this resolution is to study the various ways in which Nebraska could increase access to health insurance, including medicaid. This study shall include, but not be limited to, an examination of the following issues:

- (1) The options available under federal and state law to allow greater access to health insurance;
- (2) Plans adopted by other states to increase the stability of health insurance markets; and
- (3) Any recent changes at the federal level to health insurance that affect Nebraskans.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 190.** Introduced by Kuehn, 38.

PURPOSE: The purpose of this resolution is to examine the possibility of creating an ethics committee within the Legislature. The study committee shall examine the establishment of rules and regulations, creation and use of forms, training of staff, and use of subpoena authority by the committee.

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

1. That the Executive Board of the Legislature Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 191.** Introduced by Ebke, 32; Baker, 30; Chambers, 11; Hansen, 26; Krist, 10; Morfeld, 46; Pansing Brooks, 28.

**PURPOSE:** An increasing number of states and the federal government have undertaken various degrees of criminal sentencing reform. State and federal policymakers have also begun to widely question the propriety of mandatory minimum sentencing laws.

Mandatory minimum sentencing laws require a minimum prison term of a particular length. With such laws judges have no discretion to go lower than the minimum sentence and probation is not an option. In Nebraska, an inmate serving a mandatory minimum sentence will not earn or receive good time credit for his or her behavior while serving the mandatory sentence.

Proponents of mandatory minimum sentences argue that these schemes reduce crime by acting as a general deterrent for potential criminals and repeat offenders. Proponents also contend that eliminating judicial discretion provides for fairness and uniformity in sentencing.

While these inflexible, one-size-fits-all sentencing laws may have initial appeal as a response to certain types of crimes, such laws fail to advance proportional justice because they prevent a judge from fitting punishment to the individual defendant and the exact circumstances of his or her crime.

In the last few legislative sessions, various members of the Legislature have introduced bills to limit or eliminate mandatory minimum sentences for some categories or types of crimes or to amend the procedures which prosecutors must follow in prosecuting crimes that carry mandatory minimum sentences.

The purpose of this interim study is to examine possible legislative reforms to Nebraska's mandatory minimum sentencing laws. The study shall include the following:

(1) A review of current mandatory minimum sentences presently in statute;

(2) A review of the types of crimes which carry mandatory minimum sentences;

(3) A review of the process by which a mandatory minimum sentence may be sought, for example, by election or choice of the prosecuting attorney or by authorization of a judge or a panel of judges;

(4) A consideration of an exemption or a safety-valve for a defendant who is convicted of a crime carrying a mandatory minimum sentence, whereby

the sentencing judge or a panel of judges may deviate or decide not to impose the mandatory minimum sentence if the sentencing judge or panel finds that certain mitigating factors exist; and

(5) A review and examination of any potential consequences of implementing statutory changes to the mandatory minimum sentencing laws, with respect to amending penalty provisions, amending the procedures for filing charges carrying mandatory minimum sentences, or amending the procedures governing the imposition of mandatory minimum sentences.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 192.** Introduced by Hilgers, 21; Harr, 8; Krist, 10; Kuehn, 38; Scheer, 19; Schumacher, 22.

PURPOSE: The purpose of this study is to examine the committee system in the Legislature, including the number of such committees, the days of the week on which those committees meet for public hearings, the subject matter jurisdiction of the committees, and other such aspects of the committee system as the Rules Committee of the Legislature deems necessary. When the Rules Committee convened this session to hear proposed rules submitted by members of the Legislature, several proposed rules dealt with aspects of the committee system. In response, the Rules Committee voted unanimously to conduct an interim study on the topic for the first time in over two decades. The study committee shall complete this study prior to the beginning of the 2018 legislative session.

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

1. That a select committee of the Legislature, composed of the members of the Rules Committee, shall be designated by the Executive Board of the Legislative Council to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 193.** Introduced by Albrecht, 17.

PURPOSE: The purpose of this resolution is to determine the impact of increased use of higher level ethanol blends, including E-15, and to study various policies to incentivize the use of such blends.

The study shall include, but not be limited to:

- (1) An economic analysis of the impact of higher ethanol blend fuel use on consumers, retailers, corn and ethanol producers, and the economy of this state;
- (2) An analysis of sales data on E-15 and higher blends (including gallons, pricing, and retailers); and
- (3) The impact of policies to incentivize use of higher blends and to deploy retail infrastructure.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 194.** Introduced by Hilkemann, 4; Kolterman, 24; Williams, 36.

PURPOSE: LB407 (1985) put into place the technical review process commonly known as the "407 process." The purpose of LB407 was to establish a fact-finding body that would determine the need for regulation of health professions or the need for changes to the scope of practice of health professions. Many who have participated in the 407 process in recent years have found the process to be unduly adversarial and burdensome.

The purpose of this resolution is to examine the 407 process as it relates to scope of practice changes. Stakeholders shall be consulted regarding ways to make the 407 process more valuable to the Legislature and more user-friendly for applicant groups and affected groups of health professionals.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 195.** Introduced by Hilkemann, 4; McCollister, 20.

**PURPOSE:** The purpose of this resolution is to examine the system of valuing automobiles for calculation of the motor vehicle tax in order to determine whether a fair amount is being assessed, from the perspectives of both taxpayers and the State of Nebraska.

The study shall include, but not be limited to, the following issues:

(1) Evaluating the current system of valuing vehicles for the purpose of calculating the motor vehicle tax, including benchmark depreciation;

(2) Conducting a practical analysis of the tax rate cap for cars with a manufacturer's suggested retail price (MSRP) of \$100,000 and above as it relates to a loss of revenue to the state;

(3) Analyzing and comparing market-based valuation versus MSRP to determine the valuation of vehicles for calculation of the motor vehicle tax; and

(4) Conducting a practical analysis of the current exemption for motor vehicles that are 14 years old or older as it relates to a loss of revenue to the state.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 196.** Introduced by Ebke, 32; Krist, 10.

**PURPOSE:** In 2015, LB605 was enacted to address the issues studied by the Nebraska Justice Reinvestment Working Group created by LB907 (2014) and the Department of Correctional Services Special Investigative Committee of the Legislature authorized by LR34 (2015). Since the enactment of LB605 and completion of the LR34 study, the Department of Correctional Services has made positive changes to comply with the requirements set forth by the Legislature, while also seeing a number of negative incidents in state correctional facilities.

The Legislature understands the changes enacted by LB605 and prompted by LR34 will take time to reach full implementation, as seen in the work of the Justice Reinvestment Implementation Committee. Nevertheless, there is a clear need to track the progress of the department in order to ensure the intentions of the Legislature are being carried out properly and effectively.

The Judiciary Committee of the Legislature shall conduct an interim study to carry out the purposes of this resolution. The committee shall meet with stakeholders to verify and update the continued progress of the LR34 recommendations and LB605 provisions. These stakeholders shall include,

but are not limited to, the Director of Correctional Services, the Public Counsel, the Inspector General of the Nebraska Correctional System, the Parole Administrator, the probation administrator, and the State Court Administrator.

The Judiciary Committee shall hear or receive implementation progress reports with respect to the Department of Correctional Services with regard to the following:

- (1) The adequacy of programs designed to rehabilitate inmates;
- (2) The availability of mental health care and the policies and procedures in place to ensure that inmates receive appropriate mental health care or confinement through the civil commitment process;
- (3) Policies relating to facility, unit, and cell assignment;
- (4) Policies relating to the use of solitary confinement, segregation, or other isolation of inmates;
- (5) The transition of inmates from incarceration to the community at large;
- (6) The administration of good-time laws;
- (7) Policies relating to staffing, personnel hours, and oversight of department staff; and
- (8) Any changes made to the department's policies and practices, regardless of whether recommendations were adopted as a result of LB605 or LR34, and the reasons, if any, that such recommendations were not adopted.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 197.** Introduced by Pansing Brooks, 28; Hilkemann, 4; Krist, 10; Lindstrom, 18; Wishart, 27.

**PURPOSE:** The purpose of this resolution is to study issues surrounding the utilization of wood generated from the emerald ash borer infestation that is taking place in Nebraska. The study shall examine issues related to processed wood products (mulch, biochar, animal bedding, and biomass for energy generation), architectural wood products (cabinetry, flooring, and millwork), and lumber products (boards, slabs, pallet lumber). For each type of product, the study shall consider:

- (1) The current state of wood utilization in Nebraska;
- (2) Potential supply and markets, opportunities and challenges, production and operational considerations, partnerships, environmental impacts, and financial feasibility;
- (3) A model for the potential partnership of communities, businesses, the University of Nebraska-Lincoln, and the Nebraska Forest Service to

examine creative ideas for developing value-added products from trees removed due to the emerald ash borer and other causes;

(4) The potential use of demonstration projects to support informed decisionmaking by the public and industry professionals; and

(5) Prospective grant opportunities from the United States Department of Agriculture and other sources.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 198.** Introduced by Pansing Brooks, 28; Baker, 30; Ebke, 32; Krist, 10.

**PURPOSE:** The purpose of this resolution is to examine the impact of mass incarceration on children in Nebraska, and to examine opportunities to ease the traumatic effects of parental incarceration on children. This study shall include, but not be limited to, an examination of the following:

(1) National best practices and current local law enforcement policy and practice when a minor is present during the arrest of a parent or guardian;

(2) Local jail visitation and phone call policies as they relate to communication between a detained parent and their biological, custodial, and step children;

(3) Opportunities in sentencing and placement to ease the physical and emotional trauma that children experience when their parents are jailed or incarcerated;

(4) Existing programs offered within state correctional institutions that are intended to improve parental capacity during incarceration and their current capacity to meet the needs of incarcerated parents;

(5) Model child-friendly visitation policies within state correctional institutions and the feasibility of their application to existing state policy and regulation;

(6) Structural barriers to maintaining and supporting parent-child relationships during incarceration, such as phone call or video call costs;

(7) Opportunities to coordinate between state systems and private agencies to better support children and their caretakers through incarceration;

(8) Current efforts to reduce recidivism rates and promote successful re-entry, and their applicability to maintaining parent-child relationships and stabilizing families through incarceration; and

(9) Policies and practices within the criminal justice system that disproportionately affect children of color and children from low-income families.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 199.** Introduced by Crawford, 45; Krist, 10; Watermeier, 1.

**PURPOSE:** The purpose of this resolution is to conduct a comprehensive review of staff structure, training processes, and official roles and responsibilities as they relate to support staff of the standing committees of the Legislature and the Legislative Research Office. The study shall include, but not be limited to, an examination of the following issues:

- (1) Best practices regarding legislative staff structure, including ways to ensure expertise and institutional knowledge of staff;
- (2) Opportunities for standing committee staff and legislative research staff to collaborate;
- (3) Training opportunities available to such staff and the ability of the current training to foster technical and institutional expertise; and
- (4) The roles and responsibilities of standing committee staff and the consistency of services provided by such staff.

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

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **GENERAL FILE**

**LEGISLATIVE BILL 632.** Senator Larson offered the following motion:  
MO129  
Reconsider the vote taken on AM1350.

Senator Lowe moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.



Senator Larson asked unanimous consent to withdraw his motion, MO129, to reconsider. No objections. So ordered.

Pending.

**AMENDMENT(S) - Print in Journal**

Senator Harr filed the following amendment to LB651:  
AM1367

(Amendments to Linehan amendments, AM1226)

- 1 1. Strike amendments 1 through 8 and insert the following new
- 2 amendment:
- 3 1. Strike the original sections and all amendments thereto and
- 4 insert the following new sections:
- 5 Section 1. Each school district shall offer a reading intervention
- 6 program for the purpose of ensuring that students can read at or above
- 7 grade level at the end of third grade. Such reading intervention program
- 8 shall:
- 9 (1) Provide development in phonemic awareness, phonics, fluency,
- 10 vocabulary, and reading comprehension;
- 11 (2) Monitor the reading progress of each student's reading skills
- 12 throughout the school year and adjust instruction accordingly;
- 13 (3) Provide evidenced-based intervention to all students in
- 14 kindergarten, first grade, second grade, and third grade who are
- 15 identified as having a reading deficiency based on classroom assessments
- 16 selected by the district and administered at least once each semester
- 17 until the reading deficiency is eliminated; and
- 18 (4) Be implemented during regular school hours within, or in
- 19 addition to, the regular reading instruction;
- 20 Sec. 2. The school of any student enrolled in a school district
- 21 who, in kindergarten, first grade, second grade, or third grade, exhibits
- 22 a reading deficiency based upon the classroom assessments selected by the
- 23 district shall:
- 24 (1) Notify such student's parents or guardians of the reading
- 25 deficiency in writing. Such written notification may include report cards
- 26 documenting the deficiency, may be provided at parent-teacher
- 1 conferences, and shall include the following:
- 2 (a) The identification of the student's reading deficiency; and
- 3 (b) A description of the evidence-based reading interventions and
- 4 targeted supports provided to students in the school to address reading
- 5 proficiency and remedy the identified area or areas of reading
- 6 deficiency; and
- 7 (2) Provide strategies for parents or guardians to use at home to
- 8 help their students succeed in reading. Notification can include report
- 9 cards and parent-teacher conferences.
- 10 Sec. 3. Students enrolled in a school district who are identified
- 11 as having a reading deficiency at the end of third grade shall receive
- 12 continued reading intervention strategies until the reading deficiency is
- 13 remedied or as directed pursuant to an individualized education plan, a

14 plan developed in compliance with section 504 of the federal  
15 Rehabilitation Act, 29 U.S.C. 794, as such act existed on the effective  
16 date of this act, or a plan developed for students in the school's  
17 English language learner program.  
18 Sec. 4. Students enrolled in a school district may be retained in  
19 third grade for an additional year when it is deemed to be appropriate by  
20 the school district staff based on more than just reading achievement and  
21 with the permission of the student's parents or guardians.

**NOTICE OF COMMITTEE HEARING(S)**

General Affairs

Room 1510

Wednesday, May 17, 2017 12:00 p.m.

Bruce D. Bailey - Nebraska Liquor Control Commission  
Cameron Arch - Nebraska Commission on Problem Gambling  
Matthew Monheiser - Nebraska Commission on Problem Gambling  
Robert L. Muelleman - Nebraska Commission on Problem Gambling  
Thomas Patterson - State Racing Commission

(Signed) Tyson Larson, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 200.** Introduced by Linehan, 39.

PURPOSE: The purpose of this study is to examine issues related to dual enrollment and other courses that allow a student to obtain both high school and postsecondary education credit for such course. The study shall specifically examine the following:

- (1) What are the costs associated with dual enrollment courses;
- (2) Who pays such costs; and
- (3) How are credits awarded to students from the high school and from a postsecondary institution?

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 201.** Introduced by Linehan, 39.

PURPOSE: The purpose of this interim study is to analyze and review reimbursement rates for ambulatory surgical centers and outpatient hospitals with respect to workers' compensation services in Nebraska. The intent of this study is to determine the effectiveness of current billing and reimbursement methods and to examine the potential benefits of adding such services to existing fee schedules for other medical service providers.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 202.** Introduced by Kolterman, 24; Baker, 30; Bolz, 29; Groene, 42; Kolowski, 31; Lindstrom, 18; Pansing Brooks, 28; Stinner, 48; Walz, 15; Williams, 36.

PURPOSE: The purpose of this resolution is to examine bona fide severance of employment compliance requirements under the Internal Revenue Code as related to maintaining section 401(a) qualified defined benefit plans.

The study shall include, but not be limited to, an examination of:

(1) The requirement for a participant to experience a permanent and complete severance of the employer-employee relationship;

(2) The obligation to administer the retirement systems in both form and operation, meaning how a plan is created and how the law is executed;

(3) The challenges faced by the Nebraska Public Employees Retirement Systems and Public Employees Retirement Board in administering a multiple-employer plan which includes over 265 school districts and numerous educational service units and state school employers, and maintaining compliance with federal law; and

(4) Substitute teacher service.

In addition, the study committee shall examine the use of early retirement inducements, including, but not limited to, the cost impact on funding the school retirement systems.

In carrying out its review, the Nebraska Retirement Systems Committee of the Legislature shall work with the Education Committee of the Legislature in collecting data and examining the use of and need for substitute teachers and the use of voluntary service agreements.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 203.** Introduced by Friesen, 34.

PURPOSE: The purpose of this resolution is to examine issues surrounding the relocation of utilities within the public right-of-way. This study shall include, but not be limited, the following issues:

(1) A review of the laws and rules and regulations governing utility relocation in the public right-of-way; and

(2) A review of how current practices regarding utility relocation impact the construction schedule and total cost of road and infrastructure project.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 204.** Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to study the structure for license fees under the Nebraska Liquor Control Act. This study should include, but not be limited to:

(1) An examination of the current structure for license fees under the Nebraska Liquor Control Act;

(2) An examination of actual costs to the Nebraska Liquor Control Commission and related agencies when issuing licenses and renewals and whether those costs are adequately reflected in the respective fee amounts; and

(3) An examination and comparison of what other states charge for similar license fees with a focus on neighboring states.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 205.** Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to examine the issues within the jurisdiction of the General Affairs Committee.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 206.** Introduced by Wayne, 13.

PURPOSE: The purpose of this resolution is to examine the potential for counties to have additional authority to pass ordinances within county boundaries. Nebraska counties currently have limited ordinance authority as authorized in section 23-187 of the Nebraska Revised Statutes. The study shall include an examination of the following:

- (1) The current authority for counties to enact ordinances;
- (2) The benefits and potential issues for counties if current ordinance authority is expanded;
- (3) A consideration of allowing counties meeting certain population thresholds to have specific ordinance authority to more appropriately address the unique needs of Nebraskans living in urban areas; and
- (4) A comparison to regional counties in other states regarding county ordinance authority.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 207.** Introduced by Wayne, 13.

**PURPOSE:** The purpose of this interim study is to examine public health issues related to drugs, alcohol, and sexually transmitted diseases (STDs) in Douglas County.

The study committee shall:

- (1) Collect, examine, and analyze data on drug and alcohol usage and STDs and related health conditions in Douglas County;
- (2) Collect, examine, and analyze data on access in Douglas County to detoxification, treatment facilities, telehealth, distance learning, and other health and education resources for those affected by these issues, including affected children;
- (3) Collect, examine, and analyze data on children in Douglas County who are at risk of continuing a cycle of alcoholism or drug abuse unless outside intervention is made available;
- (4) Encourage participation and obtain input from academic and medical experts, including, but not limited to, the University of Nebraska Medical Center;
- (5) Encourage and obtain input from nonprofit organizations, faith-based institutions, and city, county, and other public officials to evaluate and develop strategies and solutions to address these issues;
- (6) Study, evaluate, and report on the status and effectiveness of policies, procedures, and programs implemented by other states directed toward preventing and combating these issues;
- (7) Evaluate the adequacy of interagency data sharing and policy coordination and recommend changes as necessary;
- (8) Examine sources of federal, state, and private funds that may be available for prevention, detoxification, treatment, rehabilitation, and economic development;
- (9) Create a long-range strategic plan containing measurable goals and benchmarks, including future action needed to attain those goals and benchmarks, for decreasing the incidence of alcohol and drug-related health problems and STDs through prevention programs and increasing treatment, access to detoxification services, sex education and contraceptives, and economic growth in Douglas County and the surrounding areas; and
- (10) Recommend data-supported changes to policies, procedures, and programs to address the needs of children affected by these issues, including the steps that will be required to make the recommended changes and whether further action is required by the Legislature or local governments.

The study committee shall assemble a description of the policies, procedures, and programs that have already been implemented or modified to help rectify the issues raised in this study and shall develop a long-range strategic plan that contains recommendations on how to address these issues.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 208.** Introduced by McCollister, 20; Blood, 3; Chambers, 11; Crawford, 45; Krist, 10; Pansing Brooks, 28; Walz, 15.

**PURPOSE:** The purpose of this resolution is to examine the cost of telephone calls made by people housed in county jails in Nebraska. The issues to be examined in this study shall include, but not be limited to:

(1) The typical or average costs of telephone calls from various county detention facilities across the state;

(2) Any relevant federal law and regulations limiting the cost of telephone calls;

(3) The impact of the cost of telephone calls from jail on inmates' access to attorneys, service professionals, familial relationships and connections to the community;

(4) Whether confidentiality is provided and protected in attorney-client telephone calls; and

(5) A review of Nebraska statutes to determine what changes, if any, should be considered relating to the regulation of telephone calls from county jails, including, but not limited to, whether the Public Service Commission should have the authority to regulate the cost of telephone calls from county jails or detention facilities.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 209.** Introduced by Stinner, 48.

**PURPOSE:** The purpose of this resolution is to study the volatility of Nebraska's revenue portfolio to determine a set of evidence-based savings targets for the Cash Reserve Fund. At present, there is no savings target requirement for the Cash Reserve Fund. An empirically-determined savings target could help ensure that Nebraska has both the savings and resources necessary to fund major priorities.

To determine an appropriate set of savings targets, the level of coverage should be determined to illustrate which proportion of cyclical revenue downturn the Legislature wants to protect against. Additionally, downturn

duration should be determined to represent how many years' worth of protection the Legislature desires.

Analyzing the state's historical experience will give an estimate of the persistence of a downturn in one year and how it carries over into subsequent years. High levels of coverage would be adequate to smooth over either a large, single-year revenue loss or multiple years of relatively smaller downturns.

To inform this decisionmaking, the Legislature should aim to establish a consensus around what proportion of Nebraska's spending commitments the Cash Reserve Fund should insure—an assessment that should be inclusive of both mandatory spending on major programmatic areas as well as discretionary spending on core functions such as education and public safety.

To promote an evidence-based policy for the Cash Reserve Fund savings targets and inform public debate, this study should inform the Legislature's understanding of the most pressing fiscal and economic challenges, along with the best methods to address them. This study should improve Nebraska's fiscal management and enhance its long-term economic health.

In order to determine an appropriate set of savings targets, the study committee shall develop a set of options that depend on the level of budgetary risk that poses a threat to Nebraska's fiscal health and which shall include the following:

- (1) A calculation of the cyclical trend for each revenue stream;
- (2) A calculation of the annual deviations from trend or "time-varying" cyclical volatility;
- (3) A calculation of conditional correlations between revenue streams;
- (4) A calculation of the time-varying standard deviation for all tax streams; and
- (5) An identification of the optimal size of a savings target for the Cash Reserve Fund.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall, upon the conclusion of its study, and no later than December 31, 2017, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 210.** Introduced by Stinner, 48.

**PURPOSE:** The purpose of this resolution is to study fiscal distress among local political subdivisions in Nebraska and how the Legislature could establish an early warning system to identify and respond to such fiscal distress.



A number of significant fiscal events at the local level in recent years highlight the risk that is posed by fiscal distress among local political subdivisions. The exoneration of the "Beatrice Six" in 2009 led to a \$28 million judgement against Gage County. The 2016 announcement that Cabela's, a large employer in Sidney, would be merged with Bass Pro Shops, implicated mass layoffs and uncertainty about the financial future of Cheyenne County. The City of Ralston has faced a series of financial crises after a successful 2011 ballot initiative to build an arena.

Significant fiscal risk has also been imposed on Nebraska's local economy since the 2008 recession, due to cyclical downturns in the agricultural economy. Additionally, out-migration trends over the last several years have threatened the stability of local political subdivisions' tax revenues.

Fiscal distress in one local government can have a negative impact on the fiscal health of other localities, the region, and the State of Nebraska. A fiscal distress early warning system could help the state identify and respond to fiscal distress among local political subdivisions earlier, help local governments avoid more severe fiscal crises, and protect the long-term fiscal health and strong credit rating of such localities and the State of Nebraska.

This study shall focus on the issue of fiscal distress among local political subdivisions, along with how the Legislature could establish a system to identify and respond to fiscal distress among local political subdivisions. The study committee shall:

- (1) Analyze the potential negative impact of fiscal distress in one local government on other local governments and on the State of Nebraska;
- (2) Review the options currently available for responding to fiscal distress among local political subdivisions in Nebraska;
- (3) Review how other states identify and respond to fiscal distress among local political subdivisions;
- (4) Assess the feasibility and costs of establishing an early warning system for fiscal distress among local political subdivisions, including an examination of the information already being collected by various state agencies that could be used to detect such fiscal distress; and
- (5) Consider any other issues the study committee deems relevant.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study and no later than December 31, 2017, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 211.** Introduced by Wayne, 13.

PURPOSE: Numerous states have acted to promote competitive market forces in the electricity industry sector, giving their consumers a choice

among electricity supply options and greater information concerning their electricity service and billing options.

The purpose of this resolution is:

(1) To study whether Nebraska consumers would benefit from the provision of more detailed, itemized information in their electricity bills; and

(2) To assess the benefits of allowing Nebraska consumers to choose among competing suppliers as alternatives to their traditional utility when purchasing their electricity needs.

The study committee should consult experts in industry, academia, and government with experience in "unbundling" the information on electricity bills and in providing consumers a choice in electricity supply options.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 212.** Introduced by Morfeld, 46; Kuehn, 38.

**PURPOSE:** The purpose of this interim study is to identify existing and potential K-12 and postsecondary education resources to meet industry needs in preparing students for employment in careers requiring knowledge and skills in science, technology, engineering, and mathematics (STEM) with an emphasis on jobs in the biosciences sector.

Targeting existing resources to prepare our K-12 and postsecondary students for career opportunities in the biosciences sector is key to this state's economic growth and preparation of Nebraska's future workforce. As jobs go unanswered in careers that require knowledge and skills in science, technology, engineering, and math, it is imperative to determine how existing resources can be used to train the next generation of workers in those areas.

The study will focus on potential career opportunities in biosciences, a sector that is growing, highly technical, well compensated, and in need of workers trained to work in a regulatory environment. The study shall be conducted in conjunction with the Nebraska Department of Education and Coordinating Commission for Postsecondary Education and shall:

(1) Determine knowledge and skills required for employment in the biosciences sector;

(2) Assess existing resources available in K-12 and postsecondary education to meet those needs; and

(3) Assess available training options, such as K-12 and postsecondary education programs, that prepare students for careers within the biosciences industry.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 213.** Introduced by Wishart, 27; Hilgers, 21; Krist, 10; Stinner, 48.

PURPOSE: The purpose of this resolution is to study state funding for Nebraska airports and, specifically, funding for airport capital improvement.

The study shall include:

(1) A historical review of funding for airports in Nebraska, including funding for airport capital improvements;

(2) A comparison between aviation funding in Nebraska and aviation funding levels in other states, including a comparison of state funding for airport capital improvements;

(3) A study of the capital improvement needs of Nebraska airports, including unmet needs and future needs; and

(4) A study of various funding sources, including aviation fuel taxes, the fund created in section 3-156 of the Nebraska Revised Statutes, registration fees, and sales taxes.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 214.** Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine contracting and procurement by the Department of Roads. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the total number and value of contracts awarded;

(2) A review of basic procurement procedures utilized by the department;

(3) A review of statutes, rules, and regulations governing the department's contracting and procurement; and

(4) An examination of programs used by the department to give preferences to certain contractors, including small businesses, emerging small businesses, minority contractors, and disadvantaged business enterprises (DBEs).

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### GENERAL FILE

**LEGISLATIVE BILL 632.** Committee AM1303, found on page 1378 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

### MOTION(S) - Confirmation Report(s)

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1405:

Nebraska Natural Resources Commission  
Mark Czaplewski

Voting in the affirmative, 39:

Albrecht	Crawford	Howard	Lowe	Schumacher
Baker	Ebke	Hughes	McCollister	Stinner
Blood	Erdman	Kolowski	McDonnell	Vargas
Bostelman	Geist	Kolterman	Murante	Walz
Brasch	Halloran	Krist	Pansing Brooks	Watermeier
Brewer	Hansen	Kuehn	Quick	Williams
Briese	Hilgers	Lindstrom	Riepe	Wishart
Chambers	Hilkemann	Linehan	Scheer	

Voting in the negative, 0.

Present and not voting, 8:

Bolz	Groene	Larson	Smith
Friesen	Harr	Morfeld	Wayne

Excused and not voting, 2:

Clements      Craighead

The appointment was confirmed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**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.

Brian Brightman - State Board of Health

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.

Candice Arteaga - Commission for the Deaf and Hard of Hearing  
Marc A. Brennan - Commission for the Deaf and Hard of Hearing  
Frank R. Turk - Commission for the Deaf and Hard of Hearing

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.

Timothy Robinson - Foster Care Review Board

Aye: 7 Crawford, Erdman, Howard, Kolterman, Linehan, Riepe, Williams.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Merv Riepe, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Education

Room 2102

Wednesday, May 17, 2017 12:20 p.m.

Cindy Gray - Technical Advisory Committee for Statewide Assessment  
LR98

(Signed) Mike Groene, Chairperson

**AMENDMENT(S) - Print in Journal**Senator Pansing Brooks filed the following amendment to LB651:  
AM1368

(Amendments to Linehan amendments, AM1226)

- 1 1. Strike amendments 1 through 8 and insert the following new
- 2 amendment:
- 3 1. Strike the original sections and all amendments thereto and
- 4 insert the following new sections:
- 5 Section 1. Section 79-760.02, Revised Statutes Cumulative
- 6 Supplement, 2016, is amended to read:
- 7 79-760.02 In accordance with timelines that are adopted by the State
- 8 Board of Education, but in no event later than one year following the
- 9 adoption or modification of state standards, each school district shall
- 10 adopt measurable quality academic content standards in the subject areas
- 11 of reading, writing, mathematics, science, and social studies. The
- 12 standards may be the same as, or may be equal to or exceed in rigor, the
- 13 measurable academic content standards adopted by the state board and
- 14 shall cover at least the same grade levels. School districts may work
- 15 collaboratively with educational service units, with learning
- 16 communities, or through interlocal agreements to develop such standards.
- 17 No later than September 1, 2019, for academic content standards in
- 18 existence on the effective date of this act, and no later than one year
- 19 following the adoption of any new state academic content standards by a
- 20 school board, such school district shall demonstrate to the State
- 21 Department of Education that such school district uses evidenced-based
- 22 curriculum and instructional, assessment, intervention, and parental
- 23 engagement strategies aligned with the academic content standards that
- 24 support progress toward grade level proficiency and provide targeted
- 25 strategies for accelerated learning.
- 26 Sec. 2. Original section 79-760.02, Revised Statutes Cumulative
- 1 Supplement, 2016, is repealed.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 215.** Introduced by Hilgers, 21.

**PURPOSE:** The purpose of this study is to examine the feasibility of a pilot project involving autonomous shuttles in a city of the primary class. The study shall specifically examine:

- (1) The state law changes that would be necessary to allow an autonomous shuttle to operate in a city of the primary class;
- (2) The ability for the state or municipal government to partner with private industry and post-secondary institutions in the development of this technology;
- (3) The public safety and advantages and disadvantages of an autonomous shuttle pilot project;
- (4) An analysis of the potential utilization and need for this form of transportation, including the transportation desires of university students and the current and future workforce in a city of the primary class; and
- (5) A review of other states that have advanced legislation or pilot projects relating to autonomous vehicles.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 216.** Introduced by Pansing Brooks, 28; Krist, 10.

**PURPOSE:** The purpose of this resolution is to examine the policies, practices, and laws that govern the safeguarding and sealing of juvenile records. In addition, this study will also examine the policies, practices, and laws that govern the state's ability to vacate or expunge criminal records for victims of sex trafficking. The study shall include an examination of the following:

- (1) Pending and current state and federal legislation and case law regarding the safeguarding and sealing of juvenile records and vacatur or expungement law for victims of sex trafficking;
- (2) Local prosecution, diversion, and law enforcement policies and practices regarding safeguarding and sealing of juvenile records;
- (3) Local court rules, practices, and procedures surrounding safeguarding and sealing of juvenile records;
- (4) Current data from the State Court Administrator regarding numbers of requests to seal records, objections to sealing records filed and results of

such hearings, and current rates of juvenile court records which are eligible for sealing and rates of sealing;

(5) National and state policies, recommendations, and best practices for ensuring adequate safeguarding and sealing of juvenile and criminal court records, and vacatur or expungement law for victims of sex trafficking;

(6) Data sources that can best determine vacatur or expungement law for victims of sex trafficking. Data sources needed include identification, documentation, instances of trafficking within Nebraska, and data sources of adults with convictions for prostitution and prostitution-related activity;

(7) Collateral consequences juveniles and victims of sex trafficking face, including, but not limited to, their ability to get a job, receive medical care, further their education, receive housing assistance, apply for a loan, and obtain immigration relief when they have a criminal court record; and

(8) A survey of youth and families to determine their access to and understanding of current state policies and procedures surrounding the safeguarding and sealing of juvenile records.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 217.** Introduced by Riepe, 12; Erdman, 47; Groene, 42.

PURPOSE: The purpose of this resolution is to study the programs and majors offered by the University of Nebraska at the Lincoln, Omaha, and Kearney campuses. This study shall examine the following:

(1) Programs and majors offered at the Lincoln, Omaha, and Kearney campuses;

(2) A history of enrollment in the programs and majors offered;

(3) A history of funding for such programs and majors;

(4) A history of staffing patterns for teaching staff, including professors, and support staff for each program or major offered.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.



**LEGISLATIVE RESOLUTION 218.** Introduced by Riepe, 12; Erdman, 47; Groene, 42.

**PURPOSE:** The purpose of this resolution is to study the feasibility of consolidating the University of Nebraska Medical Center and the University of Nebraska - Omaha to create a single University of Nebraska institution in Omaha.

This study shall examine the following:

- (1) The feasibility of such a merger;
- (2) Possible benefits for the University of Nebraska system;
- (3) Possible negative impacts for the University of Nebraska system; and
- (4) Possible impact on the cost of tuition.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 219.** Introduced by Hansen, 26; Krist, 10; Pansing Brooks, 28.

**PURPOSE:** The purpose of this resolution is to examine the effectiveness of section 29-901 of the Nebraska Revised Statutes, which relates to the imposition of bail, and section 29-2206, which relates to the imposition of fines, fees, and court costs. The issues examined in this study shall include, but not be limited to:

- (1) How the current statutory scheme functions;
- (2) Current usage of bail as well as the imposition of fines, fees, and court costs;
- (3) How these financial costs impact low-income Nebraskans;
- (4) How these financial costs impact the Nebraska Retirement Fund for Judges;
- (5) How the collection of fines, fees, and court costs from non-indigent Nebraskans is currently performed;
- (6) Examining improvements or changes that would permit indigent Nebraskans to avoid unnecessary and costly county jail stays; and
- (7) A review of Nebraska statutes to determine changes needed to reform bail and the imposition of fines, fees, and court costs.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 220.** Introduced by Hansen, 26.

**PURPOSE:** The purpose of this interim study is to investigate the purpose and potential benefits of creating conviction integrity units (CIUs) in Nebraska. Numerous jurisdictions have created CIUs, which are assigned staff or a division of a prosecutorial office dedicated to investigating or confirming the validity or integrity of criminal convictions. These divisions work to prevent, identify, and correct false convictions. The number of CIUs has grown rapidly in recent years throughout the United States. This study shall consider, but not be limited to, examining:

(1) The experience of CIUs in other jurisdictions and the associated costs and the benefits or results;

(2) The potential means of establishing CIUs in Nebraska, whether by legislation or by collaboration with the Supreme Court, the Attorney General, or local prosecutors;

(3) Any limitations on the types of convictions which should be the focus of CIUs, such as only felony convictions or other limitations;

(4) The appropriate independence, or dependence, that CIUs have with prosecutors' offices;

(5) The means by which CIUs investigate convictions;

(6) The role of other members in the criminal justice system, such as defendants, defense attorneys, advocacy organizations, judges, and victims;

(7) The access CIUs should have to court files, investigative reports, institutions, defendants, and other matters relating to convictions; and

(8) Nebraska statutes to determine any changes needed to address or accommodate the creation or function of CIUs.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 221.** Introduced by Hansen, 26.

**PURPOSE:** Many states, and the federal government, have some version of deferred judgement probation or a type of sentencing scheme that allows offenders to avoid a criminal conviction by completing a court-ordered and court-supervised term of probation. Deferred judgement probation provides

that offenders, particularly first-time offenders, are held accountable for their wrongful acts. At the same time, these offenders do not have a criminal conviction, and all of the negative collateral consequences that accompany such conviction, on their records.

In the last biennium, the Legislature made significant revisions to the criminal code and criminal procedure. One of the goals of the reform effort was to address the growing prison population. Consideration of a form of deferred judgement probation for Nebraska is consistent with this recent effort.

The purpose of this interim study is to examine the possibility of legislative reforms to Nebraska's sentencing laws to accommodate an option of deferred judgment probation. This interim study shall include, but not be limited to:

- (1) A review of the statutory sentencing process presently in statute;
- (2) A review of the types of crimes for which deferred judgment probation would be applicable;
- (3) A review of the process by which deferred judgment probation may be sought, for example, by election or choice of the defendant, by election or cooperation with the prosecuting attorney, or by authorization of a judge or panel of judges; and
- (4) A review and examination of any potential consequences of implementing statutory changes to create a sentencing option of deferred judgement probation, either with respect to the penalty provisions in statute, or with respect to the procedural statutes relating to the filing of charges to ensure that courts are able to defer judgment and place eligible offenders on probation.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 222.** Introduced by Pansing Brooks, 28; Baker, 30; Groene, 42; Kolterman, 24; Krist, 10; Linehan, 39; Walz, 15.

**PURPOSE:** Early reading literacy plays a key role in enabling the kind of early learning experiences that research shows are linked with academic achievement, reduced retention, higher graduation rates, less contact with the juvenile and adult criminal justice system, and enhanced productivity in adult life. Numerous states have created legislation specifying the process of screening for dyslexia and reading literacy. Nebraska is currently one of only eleven states that has no such legislation in place. During the 2016 session, the Legislature passed LB 645, which defined dyslexia as a specific learning disability in state statute. The Nebraska Department of Education

estimates that there were more than 15,000 children with learning disabilities between the ages of six to twenty-one years in 2016, and somewhere between eighty to eighty-five percent of those children have dyslexia.

Dyslexia's most visible indicators are often easily recognized, and if not caught early, put those affected rapidly behind their peers. National figures show that those with learning disabilities have dropout rates two point five times higher than their peers, and that they are twice as likely to be unemployed.

The purpose of this interim study is to examine dyslexia and reading literacy in Nebraska, including strategies for teacher training, student assessment, student intervention, and demonstrable student outcomes. This study shall include, but not be limited to:

(1) A review of current policies and procedures in place in schools across the state for screening and intervention in regards to dyslexia;

(2) A review of the latest scientific research on specific interventions that are necessary to identify at-risk families and improve outcomes for children with dyslexia, including the Orton-Gillingham method;

(3) A review of the impact of pre-K schooling on reading outcomes;

(4) A review of the impact of poverty on statewide reading outcomes;

(5) A review of barriers preventing the state from successfully providing early reading interventions;

(6) A review of what other states are doing to successfully provide appropriate interventions and outcomes to students with dyslexia;

(7) A review of the role of the Nebraska Department of Education in addressing dyslexia and reading literacy statewide; and

(8) A review of the role of the College of Education and Human Sciences at the University of Nebraska-Lincoln in addressing dyslexia and reading literacy statewide.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 223.** Introduced by Blood, 3.

PURPOSE: The purpose of this resolution is to study Nebraska statutes governing the use of personally identifiable information and to determine if the standards governing such information are applied consistently. The study committee shall examine statutes, rules and regulations, and policies governing the use of personally identifiable information by government entities in Nebraska, including state agencies and political subdivisions. The study committee shall evaluate whether a more consistent standard should

be applied and recommend any statutory changes the study committee finds beneficial.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 224.** Introduced by Blood, 3.

PURPOSE: The purpose of this resolution is to examine cross-county assessment and collection of ad valorem taxes. The study committee shall examine the effect that differing practices in assessment and collection have on neighboring counties and contributions to political subdivisions. The study committee shall also examine the effect on various state aid programs. The study committee should identify solutions that will achieve greater fairness in the assessment and collection of these taxes.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 225.** Introduced by Harr, 8.

PURPOSE: The purpose of this resolution is to assess the condition of property related to Willa Cather as described in section 82-129 of the Nebraska Revised Statutes and determine the necessary costs to restore and maintain these properties.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**VISITORS**

Visitors to the Chamber were Senator Clements' brother and nephew, Richard and Aaron Clements from Elmwood; 70 fourth-grade students from Cardinal Elementary, South Sioux City; 3 home school students from Homer, Katie Tighe from Homer, Olivia, Anna, Bethany, John Paul, and Bonnie Hoffman from Wakefield; and 38 fifth-grade students from Swanson Elementary, Omaha.

**RECESS**

At 12:00 p.m., on a motion by Senator Bostelman, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Hilkemann, Howard, Kolterman, Watermeier, and Wishart who were excused until they arrive.

**MESSAGE(S) FROM THE GOVERNOR**

May 10, 2017

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 20, 63, 138e, 142e, 154, 159e, 176, 231, 234e, 239, 241, 255e, 255Ae, 264, 306, 315, 383, 409e, 430, 455, 464e, 558, and 645 were received in my office on May 4, 2017.

These bills were signed and delivered to the Secretary of State on May 10, 2017.

(Signed) Sincerely,  
Pete Ricketts  
Governor

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 226.** Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

PURPOSE: Nebraska has a rigorous occupational licensing process for electrology licenses. The purpose of this resolution is to study the educational and credentialing requirements and the process of applying for and obtaining an electrology license for Nebraska and other states.

This study shall examine the following:

- (1) Reciprocity of electrology licenses;
- (2) Reactivating the license of an electrology professional;
- (3) Documentation or validation issues that may arise in the application process; and
- (4) Other issues that may create delays or refusal of an application.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 227.** Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

PURPOSE: Nebraska has a rigorous occupational licensing process for nail technology licenses. The purpose of this resolution is to study the educational and credentialing requirements and the process of applying for and obtaining a nail technology license for Nebraska and other states.

This study shall examine the following:

- (1) Reciprocity of nail technology licenses;
- (2) Reactivating the license of a nail technology professional;
- (3) Documentation or validation issues that may arise in the application process; and
- (4) Other issues that may create delays or refusal of an application.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 228.** Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

PURPOSE: Nebraska has a rigorous occupational licensing process for massage therapy licenses. The purpose of this resolution is to study the educational and credentialing requirements and the process of applying for and obtaining a massage therapy license for Nebraska and other states.

This study shall examine the following:

- (1) Reciprocity of massage therapy licenses;
- (2) Reactivating the license of a massage therapy professional;
- (3) Documentation or validation issues that may arise in the application process; and
- (4) Other issues that may create delays or refusal of an application.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 229.** Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

PURPOSE: Nebraska has a rigorous occupational licensing process for barbering licenses. The purpose of this resolution is to study the educational and credentialing requirements and the process of applying for and obtaining a barbering license for Nebraska and other states.

This study shall examine the following:

- (1) Reciprocity of barbering licenses;
- (2) Reactivating a barbering license;
- (3) Documentation or validation issues that may arise in the application process; and
- (4) Other issues that may create delays or refusal of an application.

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



1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 230.** Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

PURPOSE: Nebraska has a rigorous occupational licensing process for esthetics licenses. The purpose of this resolution is to study the educational and credentialing requirements and the process of applying for and obtaining an esthetics license for Nebraska and other states.

This study shall examine the following:

- (1) Reciprocity of esthetics licenses;
- (2) Reactivating the license of an esthetics professional;
- (3) Documentation or validation issues that may arise in the application process; and
- (4) Other issues that may create delays or refusal of an application.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 231.** Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

PURPOSE: Nebraska has a rigorous occupational licensing process for licenses to practice body art. The purpose of this resolution is to study the educational and credentialing requirements and the process of applying for and obtaining a license to practice body art for Nebraska and other states.

This study shall examine the following:

- (1) Reciprocity of body art licenses;
- (2) Reactivating the license of a body art professional;
- (3) Documentation or validation issues that may arise in the application process; and
- (4) Other issues that may create delays or refusal of an application.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 232.** Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

**PURPOSE:** Nebraska has a rigorous occupational licensing process for cosmetology licenses. The purpose of this resolution is to study the educational and credentialing requirements and the process of applying for and obtaining a cosmetology license for Nebraska and other states.

This study shall examine the following:

- (1) Reciprocity of cosmetology licenses;
- (2) Reactivating the license of a cosmetology professional;
- (3) Documentation or validation issues that may arise in the application process; and
- (4) Other issues that may create delays or refusal of an application.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 233.** Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

**PURPOSE:** The Department of Health and Human Services initiated medicaid managed care for all medicaid-eligible beneficiaries in January 2017. Medicaid managed care will not begin to include long-term care services and support until at least January 2019. The purpose of this study is to review the experiences of medicaid-eligible populations receiving long-term care services and support and identify the necessary practices and protocols for a managed care program. The study committee shall:

(1) Review the delivery of services under the current medicaid managed care program;

(2) Seek input from interested parties on current long-term care services and support practices, including, but not limited to: provider enrollment, credentialing and contracting, service authorization, claim processing, grievance and appeal processes, care coordination protocols, provider network adequacy, measurement of quality of care and health outcomes, and reporting and data transparency;

(3) Analyze the experiences of other states which have implemented medicaid managed long-term care services and support; and

(4) Determine whether additional resources or infrastructure may be necessary to sustain long-term care services for the medicaid managed care program in the future, including, but not limited to: additional workforce, increased funding, services in rural areas, and legislative and regulatory changes.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 234.** Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

**PURPOSE:** The Division of Behavioral Health of the Department of Health and Human Services is the behavioral health authority for the state and directs the administration and coordination of the public behavioral health system to prevent and treat mental health and substance use disorders.

Nebraska has six behavioral health regions, which are supported by state and federal funds. These six regions provide assistance in provider network development, service coordination, program planning, and financial and contractual management. Annually, these six regions and the division complete over 30 behavioral health reports.

The purpose of this interim study is to examine these reports and determine whether they properly address the administration and coordination of the behavioral health system administered by these authorities. The study committee shall examine whether any of the reports are outdated or duplicative and whether additional information or data needs to be reported.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 235.** Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

**PURPOSE:** The purpose of this interim study is to examine the internal processes of the Department of Health and Human Services relating to the report of the Auditor of Public Accounts issued on January 30, 2017, and to monitor the department's activities relating to the implementation of LB151 (2017).

The study committee shall:

(1) Review prior years' comments and recommendations from the Auditor of Public Accounts;

(2) Review the long-term planning of Accounting and Financial Services of the Department of Health and Human Services, including leadership and staff;

(3) Analyze program compliance; and

(4) Analyze whether sub-monitoring of contracting is efficient or necessary.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 236.** Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

**PURPOSE:** The purpose of this interim study is to examine the workload studies used by the Department of Health and Human Services to understand current staffing needs.

The study committee shall:

(1) Review the historical significance of workload studies within each division of the department;

(2) Examine the 1992 workload study and any other workload studies completed by the department; and

(3) Analyze whether updated workload studies need to be completed.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 237.** Introduced by Groene, 42.

PURPOSE: The purpose of this resolution is to study all aspects and the history of the Nebraska Cooperative Republican Platte Enhancement project (N-CORPE), an interlocal agency created pursuant to the Interlocal Cooperation Act to pump ground water for the governmental purpose of augmenting water supplies in order to comply with an interstate compact to which the state is a party.

The study shall include an examination of the following:

(1) The amount of water pumped from affected land on a quarterly basis since the inception of N-CORPE;

(2) The plan and need for continued ground water pumping for such purposes;

(3) The effects and long-term impact of such ground water pumping on the community, including surface water users, those neighboring the project, and local governments;

(4) The effects of purchasing, selling, and leasing land and water rights for ground water pumping; and

(5) Finances related to the interlocal agreement and the project.

At least one hearing shall be held in the area affected by the interlocal agreement. At such hearing, presentations shall provide details concerning all relevant aspects of the work of those involved with or affected by the interlocal agreement. Testimony and information, both written and in-person, shall be accepted from all affected parties and the general public.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Natural Resources Committee shall hold at least one hearing in the area affected by N-CORPE.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 238.** Introduced by Stinner, 48.

**PURPOSE:** The purpose of this resolution is to study the feasibility of acquiring funding for behavioral and mental health internship programs at the doctoral level in rural Nebraska. Internship programs are essential components of the learning process for behavioral and mental health professionals. To encourage such professional development, it is incumbent upon the Legislature to study possible sources of funding. There are a number of federal, state, and other underutilized funding sources that should be examined further to determine the availability of funds for behavioral and mental health internship programs. This study shall focus on professionals at the doctoral level serving individuals with severe mental illness in rural Nebraska and shall include the following:

(1) An inventory of underutilized funds appropriate for the use of internship programs intended for such professionals within the Nebraska medical assistance program, the University of Nebraska, state agencies, federal agencies, and other sources not yet realized;

(2) The identification of workforce demand for such professionals in rural Nebraska within both the private and public behavioral and mental health sectors;

(3) The identification of workforce issues for such professionals within both the private and public behavioral and mental health sectors; and

(4) Other strategy recommendations to address the shortage of such professionals.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **GENERAL FILE**

**LEGISLATIVE BILL 415A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

**MOTION(S) - Return LB268A to Select File**

Senator Schumacher moved to return LB268A to Select File for the following specific amendment:

AM1381

(Amendments to Final Reading copy)

1 1. Insert the following new sections:

2 Sec. 2. The General Fund appropriation for FY2018-19 to the  
 3 Department of Health and Human Services, for Program 348, is hereby  
 4 reduced by \$384,000. The federal fund estimated appropriation for  
 5 FY2018-19 to the Department of Health and Human Services, for Program  
 6 348, is hereby reduced by \$416,000. For FY2018-19 the state aid General  
 7 Fund earmark in the Department of Health and Human Services, for Program  
 8 348, is hereby reduced by \$384,000 and the federal fund state aid earmark  
 9 is also hereby reduced by \$416,000.

10 Sec. 3. Section 219, Legislative Bill 327, One Hundred Fifth

11 Legislature, First Session, 2017, is amended to read:

12 Sec. 219. AGENCY NO. 70 — FOSTER CARE REVIEW OFFICE

13 Program No. 353 - Children's Commission

14	FY2017-18	FY2018-19
15 <u>GENERAL FUND</u>	<u>180,000</u>	<u>180,000</u>
16 <u>CASH FUND</u>	<u>180,000</u>	<u>180,000</u>
17 PROGRAM TOTAL	180,000	180,000
18 SALARY LIMIT	100,392	101,144

19 Sec. 4. This act becomes operative on July 1, 2017.

20 Sec. 5. Original section 219, Legislative Bill 327, One Hundred

21 Fifth Legislature, First Session, 2017, is repealed.

22 Sec. 6. Since an emergency exists, this act takes effect when

23 passed and approved according to law.

24 2. On page 1, strike beginning with "appropriate" in line 1 through  
 25 "2017" in line 3 and insert "amend section 219, Legislative Bill 327, One  
 26 Hundred Fifth Legislature, First Session, 2017; to reduce appropriations  
 1 and associated earmarks; to appropriate funds to aid in carrying out the  
 2 provisions of Legislative Bill 268, One Hundred Fifth Legislature, First  
 3 Session, 2017; to change an appropriation as prescribed; to provide an  
 4 operative date; to repeal the original section; and to declare an  
 5 emergency".

The Schumacher motion to return prevailed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 268A.** The Schumacher specific amendment, AM1381, found in this day's Journal, was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 496.** Title read. Considered.

Committee AM470, found on page 645, was offered.

Senator Groene offered the following motion:

MO132

Bracket until June 2, 2017.

Senator Williams moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Groene moved for a call of the house. The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

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

Voting in the affirmative, 6:

Brasch	Erdman	Schumacher
Brewer	Groene	Wayne

Voting in the negative, 29:

Baker	Geist	Hughes	McDonnell	Smith
Blood	Halloran	Kolowski	Morfeld	Stinner
Bolz	Hansen	Kolterman	Murante	Vargas
Briese	Harr	Krist	Pansing Brooks	Walz
Craighead	Hilkemann	Lindstrom	Quick	Williams
Crawford	Howard	McCollister	Scheer	

Present and not voting, 11:

Albrecht	Ebke	Kuehn	Watermeier
Bostelman	Friesen	Linehan	Wishart
Clements	Hilgers	Riepe	

Excused and not voting, 3:

Chambers	Larson	Lowe
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The Groene motion to bracket failed with 6 ayes, 29 nays, 11 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.



**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 415A.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Transportation and Telecommunications

Room 1113

Wednesday, May 17, 2017 1:00 p.m.

Steven Hinchcliff - Motor Vehicle Industry Licensing Board

Thomas Dinsdale - Motor Vehicle Industry Licensing Board

(Signed) Curt Friesen, Chairperson

**AMENDMENT(S) - Print in Journal**Senator Groene filed the following amendment to LB512A:  
AM1393

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. The General Fund appropriation for FY2017-18 to the
- 4 State Department of Education, for Program 25, is hereby reduced by
- 5 \$6,402. The General Fund appropriation for FY2018-19 to the State
- 6 Department of Education, for Program 25, is hereby reduced by \$6,402.
- 7 Sec. 2. The General Fund appropriation for FY2017-18 to the State
- 8 Department of Education, for Program 158, is hereby reduced by \$40,000.
- 9 The General Fund appropriation for FY2018-19 to the State Department of
- 10 Education, for Program 158, is hereby reduced by \$40,000.
- 11 The General Fund earmark for FY2017-18 is reduced to \$1,222,430,090
- 12 in the State Department of Education, for Program 158. The General Fund
- 13 earmark for FY2018-19 is reduced to \$1,251,393,303 in the State
- 14 Department of Education, for Program 158.
- 15 The General Fund earmark for the Summer Food Service Program for
- 16 FY2017-18 is reduced to \$90,000. The General Fund earmark for the Summer
- 17 Food Service Program for FY2018-19 is reduced to \$90,000.
- 18 Sec. 3. This act becomes operative on July 1, 2017.
- 19 Sec. 4. Since an emergency exists, this act takes effect when
- 20 passed and approved according to law.
- 21 2. On page 1, strike beginning with "amend" in line 1 through the
- 22 second semicolon in line 6 and insert "reduce appropriations and
- 23 associated earmarks as prescribed; to provide an operative date;".

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 239.** Introduced by Kolowski, 31; Blood, 3; Vargas, 7; Wishart, 27.

**PURPOSE:** The purpose of this resolution is to examine issues related to solar energy development in Nebraska. Solar energy can provide many benefits, including providing stable energy costs for customers and power districts, providing energy at times of peak demand, helping businesses and residences reduce their energy usage and lower their energy bills, and keeping energy dollars in the community, instead of sending them out of state. Solar energy can be sited in both rural and urban areas and near the place of energy usage.

Additionally, there is a great deal of interest in solar energy among Nebraskans, and Nebraska has great potential for solar energy development. Solar energy can help attract new business and provide benefits to Nebraska's public power districts by generating economic development in their service areas. It is also the policy of the State of Nebraska to promote solar energy development. Despite this, there has been insufficient solar energy development in Nebraska.

The study shall include, but not be limited to, an examination of the following:

- (1) Methods of increasing solar energy development in this state, including whether additional incentives are needed;
- (2) Methods of helping businesses and agricultural operations make use of solar energy to reduce energy costs and improve their bottom line;
- (3) Methods of authorizing individuals and businesses to invest in larger solar projects, including virtual net metering;
- (4) Methods of removing barriers to solar energy development, including reducing governmental red tape;
- (5) Successful policies and programs in other states; and
- (6) Any other issues that will facilitate a full and complete examination of solar energy and solar energy development in Nebraska.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 240.** Introduced by Brewer, 43; Smith, 14.

PURPOSE: The purpose of this resolution is to examine the issues raised by LB121 (2017) related to taxation of military benefits.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 241.** Introduced by Vargas, 7; McDonnell, 5; Pansing Brooks, 28; Stinner, 48; Wayne, 13; Wishart, 27.

PURPOSE: The purpose of this interim study is to examine the distribution and use of funds from the federal Title X program. Title X is a federal grant distributed to states or other qualified entities to fund family planning and related preventive health services with priority given to low-income people. Title X funds are distributed across Nebraska and then appropriated to serve nearly 30,000 low-income Nebraskans at Federally Qualified Health Centers, hospitals, local health departments, and health clinics.

The purpose of this interim study is to:

- (1) Collect, examine, and analyze data regarding the distribution of federal Title X funds, including, but not limited to: criteria and qualifications for funds for service providers and patients, demand for services, clinic categorization of service providers, geographical distribution of funds, and patients eligible for Title X services;
- (2) Collect, examine, and analyze data regarding the origin of federal Title X funds and the cost of Title X services;
- (3) Collect, examine, and analyze data of federal Title X service providers, including, but not limited to: location, number of patients served, total funds received, services and cost of services performed;
- (4) Collect, examine, and analyze data of federal Title X service recipients, including, but not limited to: services and the cost of services provided, location, income, and gender;
- (5) Study, evaluate, and report on the status and effectiveness of policies, procedures, and programs implemented by other states regarding the distribution of federal Title X funding;
- (6) Investigate, examine, and analyze any and all legal implications of any potential limitations on qualifications of types of providers to receive subrecipient federal Title X grant funds from the state, potential legal implications as a result of disqualifying current providers during existing grant cycles, and potential legal implications as a result of patients losing

services as a result of a change in the existing distribution method of federal Title X grant funds; and

(7) Recommend data-supported changes to policies, procedures, and programs to address the needs of people who use Title X services, including the steps that will be required to make the recommended changes and whether further action is required by the Legislature.

In conducting the interim study, the study committee shall encourage participation and obtain input from subject matter, academic, medical, and legal experts, nonprofit organizations, entities that provide services as subrecipients of federal Title X funds, and individuals that receive federal Title X program funds and services. The study committee shall also seek input and participation from the Health and Human Services Committee of the Legislature, its members, and experts in the relevant areas of that committee's jurisdiction.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature by December 31, 2017.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 242.** Introduced by Kuehn, 38; Albrecht, 17; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; Craighead, 6; Friesen, 34; Geist, 25; Halloran, 33; Watermeier, 1.

PURPOSE: The purpose of this study is to examine the feasibility of zero-based budgeting for state agencies.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 243.** Introduced by Wayne, 13.

PURPOSE: The purpose of this resolution is to study issues related to eminent domain and property rights. The right to own property is fundamental to the fabric of American law and justice. The Fifth Amendment of the Constitution of the United States provides that private

property cannot be taken without due process and that such property can only be taken for a public use with just compensation. Article I, section 3, of the Constitution of Nebraska requires due process to take property from its owner. Article I, section 21, of the Constitution of Nebraska requires just compensation for property taken for a public use. Section 76-710.04 of the Nebraska Revised Statutes restricts the use of eminent domain for economic development purposes, but carves out specific exceptions, including pipelines and transmission lines.

A one-time payment for a permanent easement for an infrastructure project that generates revenue may not provide just compensation to the property owner, and an easement taken by eminent domain may permanently alter the character of the land and its surroundings. An easement taken by eminent domain may also create liabilities which fall on the property owner in addition to abandonment, restoration, and reclamation issues. The use of zoning by local jurisdictions may provide a means of protecting property owners.

The study committee shall examine the following issues:

- (1) Whether granting eminent domain authority to for-profit entities meets the constitutional requirement of a public use;
- (2) Whether the constitutional requirement of a public use should require proof of a benefit to the general public;
- (3) Whether administrative processes that trigger eminent domain authority meet standards necessary to provide adequate due process for property owners;
- (4) Whether a one-time payment for property taken through eminent domain provides just compensation for projects that generate revenue;
- (5) Whether a system of renewals or lease payments should be required instead of permanent easements for major infrastructure projects that generate revenue, such as transmission lines and pipelines;
- (6) Whether entities granted easements for infrastructure projects that generate revenue, such as pipeline and transmission lines, should be required to provide bonds, liability insurance, and decommissioning plans to protect property owners;
- (7) Whether impacts to natural resources should be considered as part of the process of granting eminent domain authority for infrastructure projects such as pipelines and transmission lines;
- (8) Whether social and economic impacts should be considered as part of the process of granting eminent domain authority for infrastructure projects such as pipelines and transmission lines; and
- (9) Whether there are other effective means of protecting the rights of private property owners including zoning provisions.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall conduct at least three public hearings, including at least one in each Congressional district.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 244.** Introduced by McDonnell, 5.

WHEREAS, Edward Danner was born on February 14, 1900, in Guthrie, Oklahoma, and settled in Omaha before beginning a career as a butcher; and

WHEREAS, Edward Danner served in numerous leadership positions in the United Packinghouse Workers of America (UPWA) union, AFL-CIO, including Field Representative and Vice-President and worked in South Omaha in the Union Stock Yards for Swift and Company Packinghouse located in Nebraska's Legislative District 5; and

WHEREAS, Edward Danner was elected to the Nebraska Legislature in 1962 and served until 1970, representing Legislative District 11 in North Omaha; and

WHEREAS, Senator Danner was the first member of the Nebraska Legislature to have previously held a leadership position in an AFL-CIO trade union; and

WHEREAS, Senator Danner served in the Nebraska Legislature during the height of the civil rights movement and passed legislation to legalize interracial marriage, prohibit racial discrimination in housing and employment, and to allow public employees to collectively bargain; and

WHEREAS, Senator Danner helped create the Nebraska Equal Opportunity Commission, an agency created by statute in 1965 to enforce the public policy of the state against discrimination.

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

1. That the Legislature designates February 14, 2018, as Edward Danner Day.

2. That Nebraskans are encouraged to come together to recognize, commemorate, and celebrate the history, accomplishments, and importance of Senator Edward Danner.

3. That Nebraskans are also encouraged to study the civil rights movement in Nebraska and Nebraska's history of organized labor.

Laid over.

#### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 333A.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 333, One Hundred Fifth Legislature, First Session, 2017.

**LEGISLATIVE BILL 632A.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 632, One Hundred Fifth Legislature, First Session, 2017; and to declare an emergency.

**GENERAL FILE**

**LEGISLATIVE BILL 496.** Senator Groene offered the following motion:

MO133

Recommit to the Urban Affairs Committee.

**SPEAKER SCHEER PRESIDING**

Senator Crawford moved the previous question. The question is, "Shall the debate now close?"

Senator Groene moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Senator Groene requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 35:

Albrecht	Clements	Hilkemann	Lindstrom	Scheer
Blood	Crawford	Howard	Linehan	Smith
Bolz	Ebke	Hughes	McCollister	Stinner
Bostelman	Geist	Kolowski	McDonnell	Vargas
Brasch	Halloran	Kolterman	Murante	Walz
Brewer	Hansen	Krist	Pansing Brooks	Williams
Briese	Harr	Kuehn	Quick	Wishart

Voting in the negative, 8:

Baker	Craighead	Friesen	Watermeier
Chambers	Erdman	Groene	Wayne

Present and not voting, 2:

Riepe	Schumacher
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Excused and not voting, 4:

Hilgers	Larson	Lowe	Morfeld
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The motion to cease debate prevailed with 35 ayes, 8 nays, 2 present and not voting, and 4 excused and not voting.

Senator Groene requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 6:

Brasch	Erdman	Schumacher
Brewer	Friesen	Watermeier

Voting in the negative, 33:

Baker	Crawford	Hughes	McDonnell	Vargas
Blood	Geist	Kolowski	Murante	Walz
Bolz	Halloran	Kolterman	Pansing Brooks	Wayne
Bostelman	Hansen	Krist	Quick	Williams
Briese	Harr	Kuehn	Scheer	Wishart
Clements	Hilkemann	Lindstrom	Smith	
Craighead	Howard	McCollister	Stinner	

Present and not voting, 6:

Albrecht	Ebke	Linehan
Chambers	Groene	Riepe

Excused and not voting, 4:

Hilgers	Larson	Low	Morfeld
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The Groene motion to recommit to committee failed with 6 ayes, 33 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

#### SELECT FILE

**LEGISLATIVE BILL 415.** ER88, found on page 1414, was adopted.

Senator Kolterman offered the following amendment:

AM1383

(Amendments to E & R amendments, ER88)

1 1. Insert the following new sections:

2 Sec. 20. Section 24-710.01, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 24-710.01 Any original member, as defined in subdivision ~~(18)~~ ~~(17)~~

5 of section 24-701, who has not previously retired, may elect to make

6 contributions and receive benefits pursuant to subsection (2) of section

7 24-703 and subsection (2) of section 24-710, instead of those provided by

8 subsection (1) of section 24-703 and subsection (1) of section 24-710.



9 Such election shall be by written notice delivered to the board not later  
10 than November 1, 1981. Such member shall thereafter be considered a  
11 future member.

12 Sec. 48. Section 84-1309.02, Reissue Revised Statutes of Nebraska,  
13 is amended to read:

14 84-1309.02 (1) It is the intent of the Legislature that, in order to  
15 improve the competitiveness of the retirement plan for state employees, a  
16 cash balance benefit shall be added to the State Employees Retirement Act  
17 on and after January 1, 2003. Each member who is employed and  
18 participating in the retirement system prior to January 1, 2003, may  
19 either elect to continue participation in the defined contribution  
20 benefit as provided in the act prior to January 1, 2003, or elect to  
21 participate in the cash balance benefit as set forth in this section. An  
22 active member shall make a one-time election beginning September 1, 2012,  
23 through October 31, 2012, in order to participate in the cash balance  
24 benefit. If no such election is made, the member shall be treated as  
25 though he or she elected to continue participating in the defined  
26 contribution benefit as provided in the act prior to January 1, 2003.

1 Members who elect to participate in the cash balance benefit beginning  
2 September 1, 2012, through October 31, 2012, shall commence participation  
3 in the cash balance benefit on January 2, 2013. Any member who made the  
4 election prior to April 7, 2012, does not have to make another election  
5 of the cash balance benefit beginning September 1, 2012, through October  
6 31, 2012.

7 (2) For a member employed and participating in the retirement system  
8 beginning on and after January 1, 2003, or a member employed and  
9 participating in the retirement system on January 1, 2003, who, prior to  
10 April 7, 2012, or beginning September 1, 2012, through October 31, 2012,  
11 elects to convert his or her employee and employer accounts to the cash  
12 balance benefit:

13 (a) Except as provided in subdivision (2)(b) of section 84-1321.01,  
14 the employee cash balance account within the State Employees Retirement  
15 Fund shall, at any time, be equal to the following:

16 (i) The initial employee account balance, if any, transferred from  
17 the defined contribution plan account described in section 84-1310; plus

18 (ii) Employee contribution credits deposited in accordance with  
19 section 84-1308; plus

20 (iii) Interest credits credited in accordance with subdivision (19)  
21 ~~(48)~~ of section 84-1301; plus

22 (iv) Dividend amounts credited in accordance with subdivision (4)(c)  
23 of section 84-1319; and

24 (b) The employer cash balance account shall, at any time, be equal  
25 to the following:

26 (i) The initial employer account balance, if any, transferred from  
27 the defined contribution plan account described in section 84-1311; plus

28 (ii) Employer contribution credits deposited in accordance with  
29 section 84-1309; plus

30 (iii) Interest credits credited in accordance with subdivision (19)  
31 ~~(48)~~ of section 84-1301; plus

- 1 (iv) Dividend amounts credited in accordance with subdivision (4)(c)  
 2 of section 84-1319.
- 3 (3) In order to carry out the provisions of this section, the board  
 4 may enter into administrative services agreements for accounting or  
 5 record-keeping services. No agreement shall be entered into unless the  
 6 board determines that it will result in administrative economy and will  
 7 be in the best interests of the state and its participating employees.  
 8 The board may develop a schedule for the allocation of the administrative  
 9 services agreements costs for accounting or record-keeping services and  
 10 may assess the costs so that each member pays a reasonable fee as  
 11 determined by the board.
- 12 2. On page 9, line 4, strike "association" and insert "pension  
 13 board".
- 14 3. On page 11, line 17, strike "association" and insert "authority".
- 15 4. On page 13, line 30; page 16, line 29; page 19, line 25; and page  
 16 22, line 28, strike the new matter and reinstate the stricken matter.
- 17 5. On page 15, line 13, strike "association" and insert "board of  
 18 directors".
- 19 6. On page 18, line 12, strike "association" and insert "city  
 20 council".
- 21 7. On page 21, line 8; and page 24, line 11, strike "association"  
 22 and insert "retirement committee".
- 23 8. On page 60, line 11, strike "employer" and insert "state court  
 24 administrator".
- 25 9. On page 64, line 18, strike "association" and insert "board of  
 26 health".
- 27 10. On page 82, line 8, strike "subsection (2)" and insert  
 28 "subdivision (b) of this subsection".
- 29 11. On page 101, line 18, strike "37 and 38" and insert "38 and 39".
- 30 12. On page 103, line 31, strike "37" and insert "38".
- 31 13. On page 146, strike beginning with "20" in line 22 through "53"  
 1 in line 23 and insert "21, 22, 23, 27, 29, 31, 32, 33, 36, 40, 41, 43,  
 2 44, 45, 46, 50, 51, 52, and 55".
- 3 14. On page 147, line 5, after the second comma insert "24-710.01,"  
 4 and after the last comma insert "84-1309.02,".
- 5 15. Renumber the remaining sections accordingly.

The Kolterman amendment was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Kolterman offered the following amendment:  
 AM1374

(Amendments to E & R amendments, ER88)

- 1 1. On page 73, lines 19 and 20, reinstate the stricken language; and  
 2 strike line 31.
- 3 2. On page 74, strike lines 1 through 6; in line 7 strike "(40)" and  
 4 insert "(39)"; in line 9 strike "(41)" and insert "(40)"; in line 13  
 5 strike "(42)" and insert "(41)"; in line 18 strike "(43)" and insert  
 6 "(42)"; and in line 30 strike "(44)" and insert "(43)".

- 7 3. On page 75, line 5, strike "(45)(a)" and insert "(44)" and strike  
8 beginning with the comma through the last comma in line 6; and in lines  
9 12 through 31 strike the new matter and reinstate the stricken matter.  
10 4. On page 76, line 1, reinstate the stricken matter; in line 2  
11 strike the new matter; in line 6 strike the period, show as stricken, and  
12 insert " ; and"; strike lines 7 through 10; and in line 11 strike "(46)"  
13 and insert "(45)".  
14 5. On page 78, strike beginning with "(i)" in line 16 through "(ii)"  
15 in line 19.  
16 6. On page 99, strike lines 24 through 30; and in line 31 strike  
17 "(31)" and insert "(30)".  
18 7. On page 100, line 3, strike "(32)" and insert "(31)"; in line 8  
19 strike "(33)" and insert "(32)"; and strike lines 14 through 31.  
20 8. On page 101, strike lines 1 through 11; in line 12 strike "(35)"  
21 and insert "(33)"; and in line 14 strike "(36)" and insert "(34)".  
22 9. On page 105, strike beginning with the colon in line 24 through  
23 "Whether" in line 29 and insert "stating whether".

The Kolterman amendment was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following motion:

MO135

Indefinitely postpone.

#### **SENATOR KRIST PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 33 ayes, 4 nays, and 12 not voting.

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

Voting in the affirmative, 2:

Brewer            Erdman

Voting in the negative, 39:

Albrecht	Craighead	Howard	McCollister	Smith
Baker	Friesen	Hughes	McDonnell	Stinner
Blood	Geist	Kolowski	Murante	Vargas
Bolz	Groene	Kolterman	Pansing Brooks	Walz
Bostelman	Halloran	Krist	Quick	Watermeier
Brasch	Hansen	Kuehn	Riepe	Williams
Briese	Harr	Lindstrom	Scheer	Wishart
Clements	Hilkemann	Linehan	Schumacher	

Present and not voting, 2:

Chambers Crawford

Excused and not voting, 6:

Ebke	Larson	Morfeld
Hilgers	Lowe	Wayne

The Chambers motion to indefinitely postpone failed with 2 ayes, 39 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO136

Reconsider the vote to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 40:

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

Present and not voting, 1:

Walz

Excused and not voting, 7:

Ebke	Larson	Morfeld	Wayne
Hilgers	Lowe	Murante	

The Chambers motion to reconsider failed with 1 aye, 40 nays, 1 present and not voting, and 7 excused and not voting.

Pending.

**MOTION - Adjournment**

Senator Blood moved to adjourn until 9:00 a.m., Thursday, May 11, 2017. The motion failed with 1 aye, 40 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

**SELECT FILE**

**LEGISLATIVE BILL 415.** Senator Chambers offered the following motion:  
MO137  
Bracket until May 25, 2017.

Senator Chambers withdrew his motion to bracket.

Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 268A.** Placed on Final Reading Second.

(Signed) Anna Wishart, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Natural Resources

Room 1524

Thursday, May 18, 2017 12:00 p.m.

James A. Shields - Nebraska Natural Resources Commission  
Paul Dunn - Nebraska Environmental Trust Board  
Quentin Bowen - Nebraska Environmental Trust Board  
Chuck Hutchison - Nebraska Power Review Board

(Signed) Dan Hughes, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 245.** Introduced by Brewer, 43; Albrecht, 17; Bostelman, 23; Geist, 25.

**PURPOSE:** The purpose of this resolution is to examine the issues raised by LB504 (2017) related to placing a moratorium on industrial development of wind energy projects.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 246.** Introduced by Brewer, 43; Pansing Brooks, 28.

WHEREAS, Chief Standing Bear of the Ponca Tribe is recognized as a symbol of the First Nations' civil rights across Indian Country and throughout the United States; and

WHEREAS, Chief Standing Bear, in the case of Standing Bear vs. Crook, became the first Native American to be recognized as a person within the meaning of the law in a court decision rendered in the Ponca Chief's favor on May 12, 1879; and

WHEREAS, the trial of Chief Standing Bear does not reflect merely a Native American issue nor that of any other specific race or ethnicity, but instead extends itself to broader matters of citizenship and humanity; and

WHEREAS, Omaha tribal member Susan La Flesche Picotte overcame racial and gender inequality to become America's first Indian doctor; and

WHEREAS, Dr. La Flesche worked tirelessly to provide medical care to members of the Omaha tribe as well as members of the community at large; and

WHEREAS, Dr. La Flesche and Chief Standing Bear both personally sacrificed as warriors for their people; and

WHEREAS, May 12, 2017, commemorates the 138th anniversary of the landmark court decision; and

WHEREAS, citizens of the Great State of Nebraska will gather for the Annual Chief Standing Bear Commemoration Celebration to remember and reflect upon the contributions of Chief Standing Bear.

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

1. That the Legislature recognizes the great sacrifice and contributions of Chief Standing Bear and Dr. Susan La Flesche Picotte.

2. That the Legislature joins with Governor Ricketts in declaring May 12, 2017, to be Chief Standing Bear Day in Nebraska.

3. That a copy of this resolution be sent to the Commission on Indian Affairs.

Laid over.

**AMENDMENT(S) - Print in Journal**

Senator Williams filed the following amendment to LB496:  
AM1378

(Amendments to Standing Committee amendments, AM470)

- 1 1. Strike amendment 1.
- 2 2. Insert the following new sections:
- 3 Section 1. Section 18-2101, Revised Statutes Cumulative Supplement,
- 4 2016, is amended to read:
- 5 18-2101 Sections 18-2101 to 18-2144 and section 3 of this act shall
- 6 be known and may be cited as the Community Development Law.
- 7 Sec. 3. Prior to approving a redevelopment project to carry out the
- 8 construction of workforce housing, a governing body shall (a) receive a
- 9 housing study which is current within twenty-four months, (b) prepare an
- 10 incentive plan for construction of housing in the municipality targeted
- 11 to house existing or new workers, (c) hold a public hearing on such
- 12 incentive plan with notice which complies with the conditions set forth
- 13 in section 18-2115, and (d) after the public hearing find that such
- 14 incentive plan is necessary to prevent the spread of blight and
- 15 substandard conditions within the municipality, will promote additional
- 16 safe and suitable housing for individuals and families employed in the
- 17 municipality, and will not result in the unjust enrichment of any
- 18 individual or company. A public hearing held under this section shall be
- 19 separate from any public hearing held under section 18-2115.
- 20 3. On page 7, strike beginning with "single-family" in line 19
- 21 through line 29 and insert ":
- 22 (a) Housing that meets the needs of today's working families;
- 23 (b) Housing that is attractive to new residents considering
- 24 relocation to a rural community;
- 25 (c) Owner-occupied housing units that cost not more than two hundred
- 26 seventy-five thousand dollars to construct or rental housing units that
- 1 cost not more than two hundred thousand dollars per unit to construct.
- 2 For purposes of this subdivision (c), housing unit costs shall be updated
- 3 annually by the Department of Economic Development based upon the most
- 4 recent increase or decrease in the Producer Price Index for all
- 5 commodities, published by the United States Department of Labor, Bureau
- 6 of Labor Statistics;
- 7 (d) Owner-occupied and rental housing units for which the cost to
- 8 substantially rehabilitate exceeds fifty percent of a unit's assessed
- 9 value; and
- 10 (e) Upper-story housing."
- 11 4. Renumber the remaining sections and correct the repealer
- 12 accordingly.

**MOTION(S) - Print in Journal**

Senator Halloran filed the following motion to LB248:  
MO131  
Bracket until June 2, 2017.

Senator Chambers filed the following motion to LB496:  
MO134  
Reconsider the vote taken to recommit to committee.

**AMENDMENT(S) - Print in Journal**

Senator Linehan filed the following amendment to LB651:  
AM1394

(Amendments to Linehan amendments, AM1226)

1 1. On page 1, strike beginning with "in" in line 7 through line 8  
2 and insert "strike line 11 and insert the following:"; strike lines 12  
3 and 13 and insert "student's reading deficiency."  
4 (2) A student who has previously been retained shall not be retained  
5 in third grade pursuant to this section.; in line 12 strike '(2)' and  
6 insert '(3)'; strike beginning with 'If' in line 23 through the period in  
7 line 26; in line 26 strike 'superintendent' and insert 'school principal'  
8 and strike 'principal's' and insert 'teacher's'; and in line 28, strike  
9 '(3)' and insert '(4)'; and in line 17 after the semicolon insert "in  
10 line 21, strike 'establish' and insert 'provide'; strike beginning with  
11 'who' in line 22 through 'grade' in line 24;"

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Geist name added to LR131.  
Senator Riepe name added to LR178.  
Senator Kuehn name added to LR217.

**VISITORS**

Visitor to the Chamber was Josh Wall from Lincoln.

The Doctor of the Day was Dr. Patrick Hotovy from York.

**ADJOURNMENT**

At 6:34 p.m., on a motion by Senator Brasch, the Legislature adjourned until 9:00 a.m., Thursday, May 11, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTY-FIRST DAY - MAY 11, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**EIGHTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
 Thursday, May 11, 2017

**PRAYER**

The prayer was offered by Senator Watermeier.

**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 Senator Ebke who was excused; and Senators Craighead, Hansen, McCollister, Murante, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eightieth day was approved.

**COMMITTEE REPORT(S)**  
 Enrollment and Review

**LEGISLATIVE BILL 632.** Placed on Select File with amendment.  
 ER89

1 1. In the Standing Committee amendments, AM1303, on page 29, line  
 2 24, strike "nondramtic" and insert "nondramatic".  
 3 2. On page 1, strike lines 2 through 18 and insert "53-118, 53-168,  
 4 59-1401, 59-1403, 59-1404, 59-1405, and 59-1406, Reissue Revised Statutes  
 5 of Nebraska, and sections 53-101, 53-103, 53-123.01, 53-123.14,  
 6 53-123.15, 53-124.11, 53-134.01, 53-164.01, 53-175, 53-186.01, 53-1,100,  
 7 and 53-1,104, Revised Statutes Cumulative Supplement, 2016; to define  
 8 bottle club; to require licensure of bottle clubs as prescribed; to  
 9 provide powers with respect to rules and regulations to the Nebraska  
 10 Liquor Control Commission; to require annual reports by third-party  
 11 shippers as prescribed; to change provisions relating to manufacturers'  
 12 licenses, craft brewery licenses, and special designated licenses as  
 13 prescribed and to provide for a waiver; to change requirements for the  
 14 sale of beer by certain licensees; to change provisions relating to  
 15 taxation of beer; to prohibit any wholesaler from selling alcoholic

16 liquor to any retailer with an overdue account as prescribed; to prohibit  
17 consumption of alcoholic liquor at bottle clubs as prescribed; to change  
18 penalty provisions of the Nebraska Liquor Control Act; to name the Music  
19 Licensing Agency Act; to define and redefine terms; to eliminate obsolete  
20 references; to provide duties; to require music licensing agencies to  
21 register with the Department of Revenue; to change penalties; to  
22 harmonize provisions; to provide operative dates; to provide for  
23 severability; to repeal the original sections; and to declare an  
24 emergency."

(Signed) Anna Wishart, Chairperson

#### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of May 10, 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

Lautenbaugh, Scott  
Nebraskans for Civic Reform

#### **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>

#### **SELECT FILE**

**LEGISLATIVE BILL 415A.** Advanced to Enrollment and Review for  
Engrossment.

#### **MOTION(S) - Return LB512A to Select File**

Senator Groene moved to return LB512A to Select File for his specific  
amendment, AM1393, found on page 1497.

The Groene motion to return prevailed with 31 ayes, 0 nays, 12 present and  
not voting, and 6 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 512A.** The Groene specific amendment, AM1393,  
found on page 1497, was adopted with 35 ayes, 0 nays, 8 present and not  
voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 335.** With Emergency Clause.

A BILL FOR AN ACT relating to child care; to amend section 43-536, Reissue Revised Statutes of Nebraska; to change provisions relating to a rates of reimbursement market survey; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 2:

Bolz            Morfeld

Excused and not voting, 5:

Craighead    Ebke            Hansen        Murante        Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LB335.

**GENERAL FILE**

**LEGISLATIVE BILL 651.** Title read. Considered.

Senator Chambers offered the following motion:

MO138

Bracket until May 25, 2017.

Senator Harr moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 7 nays, and 15 not voting.

Senator Linehan moved for a call of the house. The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

Senator Linehan requested a roll call vote, in reverse order, on the motion to bracket.

Voting in the affirmative, 2:

Morfeld          Schumacher

Voting in the negative, 29:

Albrecht	Craighead	Hilgers	Larson	Riepe
Bostelman	Erdman	Hilkemann	Lindstrom	Scheer
Brasch	Friesen	Hughes	Linehan	Vargas
Brewer	Geist	Kolowski	Lowe	Watermeier
Briese	Groene	Krist	McDonnell	Wayne
Clements	Halloran	Kuehn	Murante	

Present and not voting, 13:

Baker	Crawford	Howard	Quick	Wishart
Blood	Hansen	McCollister	Walz	
Chambers	Harr	Pansing Brooks	Williams	

Absent and not voting, 1:

Bolz

Excused and not voting, 4:

Ebke          Kolterman          Smith          Stinner

The Chambers motion to bracket failed with 2 ayes, 29 nays, 13 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 11, 2017, at 9:17 a.m. was the following:  
LB335e.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

**ANNOUNCEMENT(S)**

Senator Larson announced the General Affairs Committee will meet May 17, 2017, at 12:00 p.m. in Room 1524 instead of Room 1510.

Senator Albrecht announced the Business and Labor Committee will meet May 18, 2017, at 8:30 a.m. instead of 1:00 p.m. in Room 2102.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 415A.** Placed on Final Reading.  
**LEGISLATIVE BILL 512A.** Placed on Final Reading Second.

(Signed) Anna Wishart, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Bolz filed the following amendment to LB644:  
AM1390

(Amendments to E&R amendments, ER86)

1 1. Insert the following new sections:  
2 Sec. 16. Section 68-901, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:  
4 68-901 Sections 68-901 to 68-976 and section 17 of this act shall be  
5 known and may be cited as the Medical Assistance Act.  
6 Sec. 17. (1) The Medical Assistance Managed Care Organization  
7 Oversight Committee is created. The committee shall be composed of the  
8 following members: (a) The chairperson of the Appropriations Committee of  
9 the Legislature or his or her designee; (b) the chairperson of the Health  
10 and Human Services Committee of the Legislature or his or her designee;  
11 (c) the vice-chairperson of the Appropriations Committee of the  
12 Legislature or a designee specified by the chairperson of the  
13 Appropriations Committee; (d) the vice-chairperson of the Health and  
14 Human Services Committee of the Legislature or a designee specified by  
15 the chairperson of the Health and Human Services Committee; and (e) three  
16 members of the Legislature appointed by the Executive Board of the  
17 Legislative Council. The Medical Assistance Managed Care Organization  
18 Oversight Committee shall be subject to all rules prescribed by the  
19 Legislature. The committee shall be reconstituted at the beginning of  
20 each Legislature and shall meet as needed and hold at least two public

21 hearings each year.

22 (2) The Medical Assistance Managed Care Organization Oversight  
23 Committee shall elect a chairperson and vice-chairperson from the  
24 membership of the committee. The executive board may provide the  
25 committee with a legal counsel, committee clerk, and other staff as  
26 required by the committee from existing legislative staff. The executive  
1 board may hire consultants as required by the committee. The committee  
2 may hold hearings deemed necessary by the committee.

3 (3) The committee shall gather information and analysis related to  
4 the delivery of services under the medical assistance program and the  
5 Children's Health Insurance Program in Nebraska, including, but not  
6 limited to, information from the Division of Medicaid and Long-Term Care  
7 of the Department of Health and Human Services or other state agencies  
8 and from Heritage Health, which is the managed care partner and health  
9 care delivery system for Nebraska that combines the physical health,  
10 behavioral health, and pharmacy programs into a single comprehensive and  
11 coordinated system for services under the medical assistance program and  
12 the Children's Health Insurance Program and which began providing the  
13 integrated services on January 1, 2017.

14 (4) The committee shall provide a briefing and a report at a joint  
15 meeting of the Appropriations Committee and the Health and Human Services  
16 Committee annually on or before December 15. The briefing and report  
17 shall include, but not be limited to, an examination of the following  
18 information relating to managed care organization contracts and  
19 operations:

20 (a) Quality of care for and health outcomes of individuals receiving  
21 services under the medical assistance program pursuant to a managed care  
22 organization contract as compared to the services provided prior to the  
23 managed care organization contract;

24 (b) Integration and coordination of health care procedures for  
25 individuals receiving services under the medical assistance program  
26 pursuant to a managed care organization contract;

27 (c) Availability of information to the public about the services  
28 under the medical assistance program pursuant to a managed care  
29 organization contract, including, but not limited to, accessibility to  
30 health services, expenditures for health services, extent of consumer  
31 satisfaction with health services, and grievance procedures, including  
1 quantitative case data on overall numbers of grievances and resolutions;

2 (d) Community outreach efforts and efforts to promote the public  
3 understanding of the managed care organization;

4 (e) Comparison of the actual costs expended in providing services  
5 under the medical assistance program pursuant to the managed care  
6 organization contract, after the implementation of the contract, to the  
7 actual costs expended for services under the medical assistance program  
8 prior to implementation of the contract; and

9 (f) Comparison of numbers of individuals receiving services under  
10 the medical assistance program pursuant to the managed care organization  
11 contract, prior to implementation of the contract, to the numbers of  
12 individuals receiving services under the medical assistance program

13 pursuant to the managed care organization contract after the  
14 implementation of the contract.  
15 (5) The committee shall terminate as of December 31, 2020, unless  
16 extended by the Legislature.  
17 Sec. 23. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,  
18 18, 19, 20, 21, 22, 25, and 26 of this act become operative three  
19 calendar months after the adjournment of this legislative session. The  
20 other sections of this act become operative on their effective date.  
21 Sec. 24. Original section 68-901, Revised Statutes Cumulative  
22 Supplement, 2016, is repealed.  
23 Sec. 27. Since an emergency exists, this act takes effect when  
24 passed and approved according to law.  
25 2. Renumber the remaining sections accordingly.

Senator Larson filed the following amendment to LB296:

FA78

Amend AM276

Strike subsections 4 and 5.

Senator Larson filed the following amendment to LB296:

FA76

Strike sections 1 and 2.

Senator Larson filed the following amendment to LB296:

FA77

Strike sections 1 and 2.

Senator Schumacher filed the following amendment to LB72:

AM1360

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Section 13-402, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 13-402 (1) Any county, city, village, school district, agency of  
6 the state government, drainage district, sanitary and improvement  
7 district, or other political subdivision of the State of Nebraska is  
8 hereby permitted, authorized, and given the power to file a petition in  
9 the United States Bankruptcy Court under 11 U.S.C. chapter 9 and any acts  
10 amendatory thereto and supplementary thereof and to incur and pay the  
11 expenses incident to the consummation of a plan of adjustment of debts as  
12 contemplated by such petition.  
13 (2)(a) The authority and power to file a petition provided for in  
14 subsection (1) of this section shall not apply to any city or village  
15 that, at the time of its governing body authorizing the filing of such  
16 petition, has its defined benefit retirement plan, if any, with a funded  
17 ratio of the actuarial value of assets less than fifty-one and sixty-five  
18 hundredths percent for any such petition to be filed during the period  
19 between January 1, 2020, and January 1, 2023; fifty-four and forty-one  
20 hundredths percent for any such petition to be filed during the period

21 between January 1, 2023, and January 1, 2026; fifty-eight and twenty-one  
 22 hundredths percent for any such petition to be filed during the period  
 23 between January 1, 2026, and January 1, 2029; sixty-three and forty-one  
 24 hundredths percent for any such petition to be filed during the period  
 25 between January 1, 2029, and January 1, 2032; seventy and seventy-one  
 26 hundredths percent for any such petition to be filed during the period  
 27 between January 1, 2032, and January 1, 2035; eighty and sixty-one  
 1 hundredths percent for any such petition to be filed during the period  
 2 between January 1, 2035, and January 1, 2038; and ninety percent  
 3 thereafter.  
 4 (b) Within ninety days prior to taking action authorizing the filing  
 5 of such petition, the governing body of any city or village that has a  
 6 defined benefit retirement plan shall conduct an actuarial valuation to  
 7 determine the funded ratio of such defined benefit retirement plan. Such  
 8 determination shall be prima facie evidence in establishing the authority  
 9 of the city or village to exercise authority under this section.  
 10 (c) A city or village that does not have a defined benefit  
 11 retirement plan may by ordinance declare and affirm that its general  
 12 obligation bonds, whether existing before, after, or at the time of such  
 13 ordinance, shall, unless otherwise provided in the related authorizing  
 14 measure, be equally and ratably secured by ad valorem taxes levied and to  
 15 be levied from year to year by such city or village. Bonds so secured  
 16 shall have a first lien on such ad valorem taxes so levied. The absence  
 17 of such declaration or affirmation shall not reduce or degrade the  
 18 priority or secured status of such bonds otherwise existing under law.  
 19 (d) An actuary performing actuarial valuations pursuant to this  
 20 subsection shall be a member of the American Academy of Actuaries and  
 21 shall meet the academy's qualification standards to render a statement of  
 22 actuarial opinion.  
 23 Sec. 2. Original section 13-402, Reissue Revised Statutes of  
 24 Nebraska, is repealed.

### GENERAL FILE

**LEGISLATIVE BILL 651.** Senator Chambers offered the following  
 motion:  
 M0139  
 Reconsider the vote to bracket.

### SPEAKER SCHEER PRESIDING

Pending.

### AMENDMENT(S) - Print in Journal

Senator Vargas filed the following amendment to LB651:  
 AM1388

(Amendments to Linehan amendments, AM1226)

1 1. On page 1, line 3, after "and" insert "insert 'reliable and"



2 valid and strike"; in lines 4, 7, 15, and 18 strike "local" and insert  
3 "reliable and valid local"; in line 5 strike the last "and"; in line 6  
4 strike "local" and insert "reliable and valid local" and before the  
5 period insert "; and strike beginning with 'who' in line 30 through  
6 'plan' in line 31"; in line 9 after "the" insert "school and the"; in  
7 line 20 before the period insert "and insert 'reliable and valid'"; and  
8 in line 22 before the semicolon insert "and insert 'reliable and valid'".

### VISITORS

Visitors to the Chamber were 16 fifth- and sixth-grade students from Thedford Elementary; Carol Withrow, Dorothy Snodgrass, and Ben Fleming from Papillion and Authur and Margaret Cheetham from Liverpool, England; 20 fourth-grade students and sponsors from Trinity Lutheran School, Fremont; 17 eighth-grade students, teacher, and sponsors from McCook St. Patrick; 21 fourth-grade students, teachers, and sponsors from Florence Elementary School - O.P.S.; 60 fourth-grade students from Bryan Elementary, Millard; 8 high school students and teachers from Elkhorn Public Schools; and 19 seventh-grade students and sponsors from St. Michael's School, Albion.

### ADJOURNMENT

At 11:47 a.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Monday, May 15, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTY-SECOND DAY - MAY 15, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**EIGHTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, May 15, 2017

**PRAYER**

The prayer was offered by Father Joseph Walsh, St. Cecilia's Catholic Church, Hastings.

**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 Senator Lindstrom who was excused; and Senators Harr, Kuehn, Murante, Watermeier, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-first day was approved.

**MESSAGE(S) FROM THE GOVERNOR**

May 12, 2017

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 149e, 328e, and 329e were received in my office on May 8, 2017.

Engrossed Legislative Bill 335e was received in my office on May 11, 2017.

These bills were signed and delivered to the Secretary of State on May 12, 2017.

Sincerely,  
(Signed) Pete Ricketts  
Governor

May 12, 2017

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 86, 171e, 200, 204, 209, 259, 259A, 274, 280e, 307, 318e, 320, 371, 375, 382e, 406, 451, 458, 463, 476, 492, 508, 517, 584, and 624 were received in my office on May 8, 2017.

These bills were signed and delivered to the Secretary of State on May 12, 2017.

Sincerely,  
(Signed) Pete Ricketts  
Governor

May 12, 2017

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

With this letter, I am returning LB 330e with my signature and with a line-item reduction.

I have vetoed \$11,062,790 of General Funds appropriated in FY 2018-19 for the Capitol Heating, Ventilating, and Air Conditioning Systems Replacement (HVAC Project). My veto does not cancel or delay the HVAC Project. The Nebraska Capitol Construction Fund (NCCF) appropriation of \$4,538,101 in FY 2018-19, which is also provided for in LB 330, is not vetoed. The transfer of \$10,005,129 from the Cash Reserve Fund to the NCCF provided for the HVAC Project in LB 332 will not be vetoed. This transfer supports the planned spending on the HVAC Project for FY 2018-19, FY 2019-20, and FY 2020-21.

Since FY 2014-15, \$19,506,192 has already been provided to the Capitol Commission for the HVAC Project. Necessary preparation work for Phase 1 including land acquisition and installation of a geothermal well field can continue with this veto. These costs, for which funding remains fully available, are estimated to be \$17,475,796. By early FY 2019-20, the HVAC Project is estimated to have \$6,568,497 of NCCF appropriations remaining and available to continue Phase 1.

The HVAC Project is an important priority. I appreciate that the Legislature approved my original recommendation; however, our current fiscal situation does not warrant this large General Fund expenditure. Sufficient funding will remain to keep the project on schedule and the financing of the HVAC Project can be revisited in the next regular Legislative session.

I urge you to sustain this line-item veto of LB 330.

Sincerely,  
(Signed) Pete Ricketts  
Governor

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 247.** Introduced by Stinner, 48.

WHEREAS, Donovan De Los Santos, a member of Troop 17 of Gering, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Donovan has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Donovan, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulate Donovan De Los Santos on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Donovan De Los Santos.

Laid over.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 128, 133, 134, 135, and 137 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 128, 133, 134, 135, and 137.

**GENERAL FILE**

**LEGISLATIVE BILL 333.** Senator Riepe withdrew his motion, MO107, found on page 1228, to substitute AM1209 for AM1195.

Senator Riepe withdrew his amendments, AM1195, AM1209, and AM1194, found on pages 1215 and 1226.

Senator Krist withdrew his amendment, AM1197, found on page 1220.

Senator Krist offered the following amendment to the committee amendment:

AM1261

(Amendments to Standing Committee amendments, AM1022)

- 1 1. Strike section 1.
- 2 2. On page 8, lines 3 through 6, reinstate the stricken matter; in
- 3 line 6 strike the new matter; and in line 16 strike "(4)" and insert
- 4 "(5)" and after "funding" insert "the medicaid home and community-based
- 5 services waiver".
- 6 3. Renumber the remaining sections and correct internal references
- 7 and the repealer accordingly.

Senator Krist moved for a call of the house. The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Senator Chambers requested a roll call vote on the Krist amendment.

Voting in the affirmative, 23:

Baker	Ebke	Kolowski	Pansing Brooks	Walz
Blood	Hansen	Krist	Quick	Williams
Bolz	Harr	McCollister	Schumacher	Wishart
Chambers	Hilkemann	McDonnell	Stinner	
Crawford	Howard	Morfeld	Vargas	

Voting in the negative, 21:

Albrecht	Clements	Groene	Larson	Watermeier
Bostelman	Craighead	Halloran	Linehan	
Brasch	Erdman	Hilgers	Lowe	
Brewer	Friesen	Hughes	Murante	
Briese	Geist	Kuehn	Riepe	

Present and not voting, 3:

Kolterman      Scheer      Smith

Excused and not voting, 2:

Lindstrom      Wayne

The Krist amendment lost with 23 ayes, 21 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Riepe reoffered the Krist amendment, AM1197, found on page 1220, to the committee amendment.

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

Committee AM1022, found on page 1043 and considered on page 1225, as amended, was renewed.

The committee amendment, as amended, was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 333A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 248.** Introduced by Hilkemann, 4; Kolowski, 31; Linehan, 39.

WHEREAS, Steve Baker, Superintendent of Elkhorn Public Schools, will retire after a lifelong career in education and educational administration; and

WHEREAS, Superintendent Baker joined the Elkhorn Public School District as the band director in 1975. He also served as the sponsor for the dance team and National Honor Society until 1987; and

WHEREAS, for two years, Superintendent Baker served as the high school assistant principal in addition to his responsibilities as the band director before becoming a full-time assistant principal from 1987-91. He moved to the district office as the assistant superintendent, a role he served in for eighteen years until assuming the duties of the superintendent in 2009; and

WHEREAS, Superintendent Baker led Elkhorn Public Schools through a period of intense growth, with the number of students increasing by nearly 75 percent, while maintaining the district's traditional academic excellence; and

WHEREAS, Steve Baker has been honored throughout his career, receiving the Outstanding Young Educator Award in 1977, the American School Band Directors Association Award in 1980, the Nebraska School Activities Association Service Award in 2003, the Elkhorn High School National Honor Society Service to Youth Award in 2007, the Nebraska State Interscholastic Athletic Administrators Association Distinguished Service Award and the Nebraska Recreation and Parks Association Voluntary Service Award in 2009, the American Association of School Administrators Nebraska School Superintendent of the Year Award in 2013, and the Western Douglas County Chamber of Commerce Lifetime Achievement Award this year; and

WHEREAS, Superintendent Baker will be leaving a "labor of love" on June 30, 2017.

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

1. That the Legislature recognizes Superintendent Steve Baker for his many honors and accomplishments, thanks him for 42 years of service as an educator with Elkhorn Public Schools, and extends him its best wishes on his retirement.
2. That a copy of this resolution be sent to Superintendent Baker.

Laid over.

**LEGISLATIVE RESOLUTION 249.** Introduced by Krist, 10.

WHEREAS, Robert N. "Bob" Swanson was a true gentleman and a great American. He grew up in Wausa and joined the United States Navy after graduating from high school in 1959; and

WHEREAS, Bob served as a machinist on the USS Piedmont, a destroyer tender built during World War II, until mustering out in 1965; and

WHEREAS, after 37½ years with Physicians Mutual Insurance Company, Bob retired as a vice president and began volunteering at American Legion Omaha Post 1; and

WHEREAS, Bob was an active member of the American Legion for 13 years and also served as the Commander of Omaha Post 1; and

WHEREAS, as an avid motorcyclist, Bob served as the Post Commander on two occasions for the American Legion Riders and was the driving force and strength behind organizing the Riders program in 39 chapters across



Nebraska, which has 1,100 members currently serving as honor guards for members of the military to and from deployment, as well as serving at funerals, in parades, and other events; and

WHEREAS, Bob created tribute signs for our troops and made personal arrangements with the Nebraska Department of Roads in 2013 for their installation at all of the 23 rest areas along Interstate 80. The 24 by 36 inch, metal signs read "Nebraska Honors Our Troops" and "Thank You For Your Service" and display the logos of the 5 branches of service; and

WHEREAS, Bob started a fundraising drive, which raised over \$15,000 for a new flag pole in Pilger after the town was devastated by a supercell that produced four EF4 tornadoes in 2014; and

WHEREAS, Bob had the idea of a memorial chair at Werner Park, which would be decorated with the POW/MIA emblem to promote their remembrance. After Bob received approval for the memorial chair by contacting the Werner Park president, he helped with the necessary fundraising efforts; and

WHEREAS, Bob's projects and tireless support for veterans helped secure the 236-acre Omaha National Cemetery; and

WHEREAS, Bob was one of the Salvation Army's most faithful bell ringers at Christmas for many years; and

WHEREAS, Bob epitomized service and leadership when it came to veterans; and

WHEREAS, Bob was selflessly dedicated to others and will be remembered by his wife of 41 years, Marolyn; his daughters, Cindy Siadek of Omaha and Danya Gutierrez of Los Angeles; his sister, Bonita Rosen of Wausa; and his grandchildren, Jake and Abby Siadek; and

WHEREAS, Bob passed away from injuries sustained on his motorcycle due to a mechanical failure.

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

1. That the Legislature offers its condolences to the family and friends of Robert N. Swanson.
2. That the Legislature offers its gratitude to Robert N. Swanson for his years of service and tireless support for veterans.
3. That a copy of this resolution be sent to the family of Robert N. Swanson and American Legion Omaha Post 1.

Laid over.

#### **GENERAL FILE**

**LEGISLATIVE BILL 496.** Senator Chambers offered his motion, MO134, found on page 1512, to reconsider the vote taken to recommit to committee.

**SPEAKER SCHEER PRESIDING**

**SENATOR HUGHES PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Senator Stinner offered the following motion:

MO140

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Stinner requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 33:

Albrecht	Craighead	Howard	Morfeld	Vargas
Baker	Crawford	Hughes	Murante	Walz
Blood	Ebke	Kolowski	Quick	Watermeier
Bolz	Geist	Kolterman	Riepe	Williams
Bostelman	Hansen	Krist	Scheer	Wishart
Briese	Harr	McCollister	Smith	
Clements	Hilkemann	McDonnell	Stinner	

Voting in the negative, 9:

Brasch	Chambers	Friesen	Hilgers	Schumacher
Brewer	Erdman	Groene	Kuehn	

Present and not voting, 2:

Larson          Linehan

Absent and not voting, 1:

Pansing Brooks

Excused and not voting, 4:

Halloran          Lindstrom          Lowe          Wayne

The Stinner motion to invoke cloture prevailed with 33 ayes, 9 nays, 2 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chambers motion, MO134, to reconsider to recommit to committee, failed with 5 ayes, 32 nays, 8 present and not voting, and 4 excused and not voting.

The committee amendment, AM470, found on page 645 and considered on page 1496, was adopted with 31 ayes, 5 nays, 9 present and not voting, and 4 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Albrecht	Craighead	Kolowski	Murante	Walz
Baker	Crawford	Kolterman	Quick	Williams
Blood	Geist	Krist	Riepe	Wishart
Bolz	Hansen	Larson	Scheer	
Bostelman	Harr	McCollister	Smith	
Briese	Hilkemann	McDonnell	Stinner	
Clements	Howard	Morfeld	Vargas	

Voting in the negative, 8:

Brasch	Chambers	Friesen	Kuehn
Brewer	Erdman	Groene	Schumacher

Present and not voting, 6:

Ebke	Hughes	Pansing Brooks
Hilgers	Linehan	Watermeier

Excused and not voting, 4:

Halloran	Lindstrom	Low	Wayne
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Advanced to Enrollment and Review Initial with 31 ayes, 8 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 250.** Introduced by Bolz, 29.

WHEREAS, on May 29, Nebraskans will observe Memorial Day and remember the men and women who have died in military service; and

WHEREAS, the bugle call Taps was first played to signal the end of the day for Union troops in 1862, and given the name Taps in 1874; and

WHEREAS, by 1891, Army infantry regulations had been changed to require Taps be played at military funeral ceremonies; and

WHEREAS, Taps is now played by the military at burial and memorial services, to accompany the lowering of the flag, and to signal the "lights out" at day's end; and

WHEREAS, Nebraskans recognize and salute the sacrifices of military members and their families; and

WHEREAS, Mr. Darren Donovan of Lincoln has played Taps at Memorial Day services for 20 years.

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

1. That the Nebraska Legislature thanks Mr. Darren Donovan and other trumpeters for their dedication to the live playing of Taps.

Laid over.

**VISITORS**

Visitors to the Chamber were 9 eighth-grade students from St. Michael's Catholic School, South Sioux City; Senator Briese's mother, sister, brother-in-law, and wife, Mary Briese, Barb Tisthammer, Jerry Tisthammer, and Joan Briese, from Albion; 65 fourth-grade students and sponsors from York Elementary; Paul and Colleen Stolinski; and 26 fifth and sixth-grade students from St. Paul Lutheran School, West Point.

**RECESS**

At 12:01 p.m., on a motion by Senator Hilkemann, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Lindstrom who was excused; and Senators Kuehn, Morfeld, Pansing Brooks, Stinner, Watermeier, and Wayne who were excused until they arrive.

**REFERENCE COMMITTEE REPORT**

2017 Resolutions calling for an Interim Study

LR4	Interim study to explore if the development of a more comprehensive water quality study is needed	Natural Resources
LR11	Interim study to assess the Nebraska medical assistance program and the options for health care reform for Nebraska	Health and Human Services
LR25	Interim study to examine the requirements in the Rules of the Legislature for preparing and delivering fiscal notes	Executive Board
LR28	Interim study to research how the state and each of the counties handle, process, and test sexual assault evidence collection kits	Judiciary

LR60	Interim study to examine issues related to the use of tax-increment financing	Urban Affairs
LR81	Interim study to examine the adoption and enforcement of state fire codes	Urban Affairs
LR84	Interim study to examine the statutes governing some classes of municipalities	Urban Affairs
LR85	Interim study to examine issues under the jurisdiction of the Urban Affairs Committee	Urban Affairs
LR91	Interim study to examine the public employees' retirement systems administered by the Public Employees Retirement Board	Nebraska Retirement Systems
LR92	Interim study to examine the requirement that the Nebraska Retirement Systems Committee of the Legislature monitor underfunded defined benefit plans administered by political subdivisions	Nebraska Retirement Systems
LR109	Interim study to examine the collection of annual assessments under the Property Assessed Clean Energy Act	Urban Affairs
LR113	Interim study to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund to pay for health care and related services	Appropriations
LR114	Interim study to examine Nebraska's statutes relating to geriatric or compassionate release laws for elderly inmates	Judiciary
LR122	Interim study to examine public assistance programs in Nebraska	Health and Human Services
LR124	Interim study to examine contracting and procurement by cities of the metropolitan class	Urban Affairs
LR125	Interim study to examine public power in Nebraska	Natural Resources
LR126	Interim study to examine the Nebraska Cooperative Republican Platte Enhancement project	Natural Resources
LR129	Interim study to explore best practices for incorporating the study of the Holocaust and other genocides into primary and secondary curriculum	Education
LR130	Interim study to examine issues related to the use of substitute teachers	Education

LR131	Interim study to examine the distribution and use of federal Title X Program state and federal appropriations	Judiciary
LR132	Interim study to examine elections conducted by and on behalf of political subdivisions	Government, Military and Veterans Affairs
LR136	Interim study to examine the effect of the Congressional passage of Joint Resolution, S.J. RES. 34, which disapproved the Federal Communications Commission final rules for Protecting the Privacy of Customers of Broadband and Other Telecommunications Services	Transportation and Telecommunications
LR138	Interim study to examine the tools, mechanisms, and funding sources available to municipalities to provide for condemnation or demolition of vacant and abandoned buildings	Urban Affairs
LR139	Interim study to analyze the best use of the state's child welfare resources in line with its goals	Appropriations
LR140	Interim study to examine issues surrounding the Family Finding pilot project	Health and Human Services
LR141	Interim study to examine best practices for promoting career education and training that can lead to job readiness for middle-skill positions	Business and Labor
LR142	Interim study to review the progress of the aging and disability resource center projects and to consider the long-term role of the projects in Nebraska	Health and Human Services
LR143	Interim study to examine pay equity issues	Business and Labor
LR144	Interim study to examine the effects of nonstandard and volatile job schedules on Nebraska businesses, workers, and families	Business and Labor
LR145	Interim study to examine the importance of Title IV-E Funds and the federal adoption assistance program	Health and Human Services
LR146	Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee	Government, Military and Veterans Affairs

LR147	Interim study to conduct a comprehensive review of the Nebraska State Immunization Information System and to examine opportunities to increase the rate of immunizations reported to the system across the state	Health and Human Services
LR148	Interim study to examine school meal programs in Nebraska	Education
LR149	Interim study to examine the administrative structure and organization of school districts across the state	Education
LR150	Interim study to examine the ratio of administration, faculty, and support staff to student enrollment within secondary education in Nebraska	Education
LR153	Interim study to examine the existence and practice of conversion therapy in Nebraska for minors	Judiciary
LR154	Interim study to examine Nebraska's utilization of Temporary Assistance for Needy Families funds	Health and Human Services
LR155	Interim study to examine university campus policies and efforts aimed at reducing incidents of campus sexual violence and protecting the victims of such violence in Nebraska	Education
LR156	Interim study to examine the ongoing implementation of the Child Care and Development Block Grant Act of 2014 and related state law and policy	Health and Human Services
LR157	Interim study to examine the January 1, 2017, implementation of the managed care delivery system for the State of Nebraska and the impact on the state budget	Appropriations
LR158	Interim study to examine whether the unclaimed property laws of Nebraska should be updated	Banking, Commerce and Insurance
LR159	Interim study to examine issues under the jurisdiction of the Natural Resources Committee	Natural Resources
LR160	Interim study to examine the ability of municipalities in Nebraska to offer relocation incentives to attract new residents	Urban Affairs

LR161	Interim study to examine the structure and administration of, and compliance with, state individual income and corporate income taxes	Revenue
LR162	Interim study to examine the structure and administration of, and compliance with, state and local sales and use taxes and any other miscellaneous taxes	Revenue
LR163	Interim study to examine the structure and administration of, and compliance with, real and personal property taxes	Revenue
LR164	Interim study to examine the need for restoration, development, and capital improvement of sites that attract tourists to and within Nebraska	Appropriations
LR166	Interim study to examine mental health education provided in Nebraska schools	Education
LR167	Interim study to examine ways to improve the coverage of hearing aid costs for Nebraska families	Health and Human Services
LR168	Interim study to examine the feasibility of adopting a workers' compensation drug formulary	Business and Labor
LR169	Interim study to examine whether the birth defects registry laws of Nebraska should be updated	Health and Human Services
LR170	Interim study to examine issues under the jurisdiction of the Education Committee	Education
LR171	Interim study to examine ways to minimize conflict in the availability and utilization of bee forage resources	Agriculture
LR172	Interim study to review recruitment and retention efforts that are currently or could potentially be undertaken by the Dept. of Correctional Services	Judiciary
LR173	Interim study to review the work detail and work release efforts at the community corrections centers	Judiciary
LR174	Interim study to review the implementation of the 911 Service System Act	Transportation and Telecommunications
LR175	Interim study to conduct an examination of issues related to reforming the regulation of basic local exchange service rates charged by local exchange telecommunications carriers subject to the jurisdiction of the Public Service Commission	Transportation and Telecommunications



LR176	Interim study to examine the provision of broadband telecommunication services within the state	Transportation and Telecommunications
LR177	Interim study to review issues under the jurisdiction of the Transportation and Telecommunications Committee	Transportation and Telecommunications
LR178	Interim study to examine existing telehealth and telemedicine systems and capabilities in Nebraska and opportunities to expand usage	Health and Human Services
LR179	Interim study to examine the application of the Livestock Brand Act to dairy animals and dairy operations located within the mandatory brand inspection area	Agriculture
LR180	Interim study to examine opportunities for increased coordination between the Nebraska Brand Committee and the Dept. of Agriculture	Agriculture
LR181	Interim study to examine recommendations for procedures to be used for a convention of the states under Article V of the U.S. Constitution	Government, Military and Veterans Affairs
LR182	Interim study to examine the extent of voter fraud in Nebraska	Government, Military and Veterans Affairs
LR183	Interim study to review reimbursement rates for ambulatory surgical centers and outpatient hospitals with respect to provision of workers' compensation services	Business and Labor
LR184	Interim study to examine whether the Real Property Appraiser Act should be amended	Banking, Commerce and Insurance
LR185	Interim study to examine the Farm Labor Contractors Act	Business and Labor
LR186	Interim study to examine the Nebraska Prescription Drug Monitoring Program and how providers access prescription drug data	Health and Human Services
LR187	Interim study to determine the strengths and weaknesses of the five primary service areas of the Division of Children and Family Services of the Dept. of Health and Human Services	Health and Human Services

LR188	Interim study to review policies and procedures relating to sustainability, organization, and best practices for data collection by the Division of Public Health relating to public health, epidemiology, and syndromic surveillance	Health and Human Services
LR189	Interim study to examine ways in which Nebraska could increase access to health insurance, including medicaid	Health and Human Services
LR190	Interim study to examine the possibility of creating an ethics committee within the Legislature	Executive Board
LR191	Interim study to examine possible legislative reforms to Nebraska's mandatory minimum sentencing laws	Judiciary
LR192	Interim study to examine the committee system of the Legislature	Executive Board
LR193	Interim study to determine the impact of increased use of higher level ethanol blends and various policies to incentivize use of such blends	Agriculture
LR194	Interim study to examine the 407 process as it relates to scope of practice changes for health professions	Health and Human Services
LR195	Interim study to examine the system of valuing automobiles for calculation of the motor vehicle tax	Revenue
LR196	Interim study to track the progress of the Dept. of Correctional Services and to ensure the intentions set forth by the Legislature are being complied with and carried out	Judiciary
LR197	Interim study to examine issues surrounding the utilization of wood generated from the emerald ash borer infestation	Natural Resources
LR198	Interim study to examine the impact of incarceration on children in Nebraska	Judiciary
LR199	Interim study to conduct a review of staff structure, training processes, and roles and responsibilities as they relate to support staff of the standing committees of the Legislature and the Legislative Research Office	Executive Board

LR200	Interim study to examine issues related to dual enrollment and other courses that allow a student to obtain both high school and postsecondary education credit for such course	Education
LR201	Interim study to review reimbursement rates for ambulatory surgical centers and outpatient hospitals with respect to workers' compensation services in Nebraska	Business and Labor
LR202	Interim study to examine bona fide severance of employment compliance requirements under the Internal Revenue Code as related to maintaining section 401 (a) qualified defined benefit retirement plans	Nebraska Retirement Systems
LR203	Interim study to examine issues surrounding the relocation of utilities within the public right-of-way	Transportation and Telecommunications
LR204	Interim study to examine the structure for license fees under the Nebraska Liquor Control Act	General Affairs
LR205	Interim study to examine issues under the jurisdiction of the General Affairs Committee	General Affairs
LR206	Interim study to examine the potential for counties to have additional authority to pass ordinances within county boundaries	Government, Military and Veterans Affairs
LR207	Interim study to examine public health issues related to drugs, alcohol, and sexually transmitted diseases in Douglas County	Health and Human Services
LR208	Interim study to examine the cost of telephone calls made by people housed in county jails in Nebraska	Judiciary
LR209	Interim study to examine the volatility of Nebraska's revenue portfolio to determine a set of evidence-based savings targets for the Cash Reserve Fund	Appropriations
LR210	Interim study to examine fiscal distress among local political subdivisions in Nebraska and how the Legislature could establish an early warning system to identify and respond to such fiscal distress	Appropriations
LR211	Interim study to examine giving consumers a choice among electricity supply options and greater information concerning their service and billing options	Natural Resources

LR212	Interim study to identify K-12 and postsecondary education resources to meet industry needs in preparing students for employment in careers requiring knowledge and skills in science, technology, engineering, and math with an emphasis on jobs in the biosciences sector	Education
LR213	Interim study to examine state funding for Nebraska airports and specifically funding for airport capital improvement	Transportation and Telecommunications
LR214	Interim study to examine contracting and procurement by the Dept. of Roads	Transportation and Telecommunications
LR215	Interim study to examine the feasibility of a pilot project involving autonomous shuttles in a city of the primary class	Transportation and Telecommunications
LR216	Interim study to examine the policies, practices, and laws that govern the safeguarding and sealing of juvenile records	Judiciary
LR217	Interim study to examine the programs and majors offered by the University of Nebraska at the Lincoln, Omaha, and Kearney campuses	Education
LR218	Interim study to examine the feasibility of consolidating the University of Nebraska Medical Center and the University of Nebraska at Omaha to create a single University of Nebraska institution in Omaha	Education
LR219	Interim study to examine the effectiveness of section 29-901, which relates to the imposition of bail, and section 29-2206, which relates to the imposition of fines, fees, and court costs	Judiciary
LR220	Interim study to investigate the purpose and benefits of creating conviction integrity units in Nebraska	Judiciary
LR221	Interim study to examine possible reforms to Nebraska's sentencing laws to accommodate an option of deferred judgment probation	Judiciary
LR222	Interim study to examine dyslexia and reading literacy in Nebraska	Education
LR223	Interim study to examine Nebraska statutes governing the use of personally identifiable information	Government, Military and Veterans Affairs
LR224	Interim study to examine cross-county assessment and collection of ad valorem taxes	Revenue

LR225	Interim study to assess the condition of property related to Willa Cather as described in section 82-129	Appropriations
LR226	Interim study to examine the educational and credentialing requirements and the process of applying for and obtaining an electrology license for Nebraska	Health and Human Services
LR227	Interim study to examine the educational and credentialing requirements and the process of applying for and obtaining a nail technology license for Nebraska	Health and Human Services
LR228	Interim study to examine the educational and credentialing requirements and the process of applying for and obtaining a massage therapy license for Nebraska	Health and Human Services
LR229	Interim study to examine the educational and credentialing requirements and the process of applying for and obtaining a barbering license for Nebraska	Health and Human Services
LR230	Interim study to examine the educational and credentialing requirements and the process of applying for and obtaining an esthetics license for Nebraska	Health and Human Services
LR231	Interim study to examine the educational and credentialing requirements and the process of applying for and obtaining a license to practice body art for Nebraska	Health and Human Services
LR232	Interim study to examine the educational and credentialing requirements and the process of applying for and obtaining a cosmetology license for Nebraska	Health and Human Services
LR233	Interim study to review the experiences of medicaid-eligible populations receiving long-term care services and support and identify the necessary practices and protocols for a managed care program	Health and Human Services
LR234	Interim study to examine reports submitted by the Division of Behavioral Health and behavioral health regions	Health and Human Services
LR235	Interim study to examine the internal processes of the Dept. of Health and Human Services relating to the report of the Auditor of Public Accounts	Health and Human Services

LR236	Interim study to examine the workload studies used by the Dept. of Health and Human Services to understand current staffing needs	Health and Human Services
LR237	Interim study to examine all aspects and the history of the Nebraska Cooperative Republican Platte Enhancement project	Natural Resources
LR238	Interim study to examine the feasibility of acquiring funding for behavioral and mental health internship programs at the doctoral level in rural Nebraska	Appropriations
LR239	Interim study to examine issues related to solar energy development in Nebraska	Natural Resources
LR240	Interim study to examine the issues raised by LB121, 2017, related to taxation of military benefits	Revenue
LR241	Interim study to examine the distribution and use of funds from the Federal Title X program	Health and Human Services
LR242	Interim study to examine the feasibility of zero-based budgeting for state agencies	Appropriations
LR243	Interim study to examine issues related to eminent domain and property rights	Judiciary
LR245	Interim study to examine issues raised by LB504, 2017, related to placing a moratorium on industrial development of wind energy projects	Natural Resources

(Signed) Dan Watermeier, Chairperson  
Executive Board

#### SELECT FILE

**LEGISLATIVE BILL 72.** ER57, found on page 1053, was adopted.

Senator McDonnell reoffered his amendment, AM789, found on page 846, withdrawn on page 1022, and refiled on page 1027.

Senator McDonnell withdrew his amendment.

Senator Schumacher withdrew his amendment, AM1360, found on page 1519.

Senator Schumacher offered the following amendment:  
AM1404

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 13-402, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 13-402 (1) Any county, city, village, school district, agency of  
6 the state government, drainage district, sanitary and improvement  
7 district, or other political subdivision of the State of Nebraska is  
8 hereby permitted, authorized, and given the power to file a petition in  
9 the United States Bankruptcy Court under 11 U.S.C. chapter 9 and any acts  
10 amendatory thereto and supplementary thereof and to incur and pay the  
11 expenses incident to the consummation of a plan of adjustment of debts as  
12 contemplated by such petition.

13 (2)(a) The authority and power to file a petition provided for in  
14 subsection (1) of this section shall not apply to any city or village  
15 that, at the time of its governing body authorizing the filing of such  
16 petition, has its defined benefit retirement plan, if any, with a funded  
17 ratio of the actuarial value of assets less than fifty-one and sixty-five  
18 hundredths percent for any such petition to be filed during the period  
19 between January 1, 2020, and January 1, 2023; fifty-four and forty-one  
20 hundredths percent for any such petition to be filed during the period  
21 between January 1, 2023, and January 1, 2026; fifty-eight and twenty-one  
22 hundredths percent for any such petition to be filed during the period  
23 between January 1, 2026, and January 1, 2029; sixty-three and forty-one  
24 hundredths percent for any such petition to be filed during the period  
25 between January 1, 2029, and January 1, 2032; seventy and seventy-one  
26 hundredths percent for any such petition to be filed during the period  
27 between January 1, 2032, and January 1, 2035; eighty and sixty-one  
1 hundredths percent for any such petition to be filed during the period  
2 between January 1, 2035, and January 1, 2038; and ninety percent  
3 thereafter.

4 (b) Within ninety days prior to taking action authorizing the filing  
5 of such petition, the governing body of any city or village that has a  
6 defined benefit retirement plan shall conduct an actuarial valuation to  
7 determine the funded ratio of such defined benefit retirement plan. Such  
8 determination shall be prima facie evidence in establishing the authority  
9 of the city or village to exercise authority under this section.

10 (c)(i) A city or village that does not have a defined benefit  
11 retirement plan may by ordinance declare and affirm that its general  
12 obligation bonds, whether existing before, after, or at the time of such  
13 ordinance, shall, unless otherwise provided in the related authorizing  
14 measure, be equally and ratably secured by a statutory lien on all ad  
15 valorem taxes levied and to be levied from year to year by such city or  
16 village and on all proceeds derived therefrom. The statutory lien  
17 authorized hereunder shall be deemed to attach and be continuously  
18 perfected from the time the bonds are issued without further action or  
19 authorization by the city or village. The statutory lien is valid and  
20 binding from the time the bonds are issued without any physical delivery  
21 thereof or further act required. No filing need be made under the Uniform  
22 Commercial Code or otherwise to perfect the statutory lien on any ad  
23 valorem taxes or proceeds derived therefrom in favor of any general  
24 obligation bonds. Bonds so secured shall have a first priority lien on  
25 such ad valorem taxes so levied and on all proceeds derived therefrom and  
26 shall have priority against all parties having claims of contract or tort  
27 or otherwise against the city or village, whether or not the parties have

28 notice thereof. The absence of such declaration or affirmation shall not  
 29 reduce or degrade the priority or secured status of such bonds otherwise  
 30 existing under law.

31 (ii) For purposes of this subdivision, statutory lien shall have the  
 1 meaning given to that term under 11 U.S.C 101(53) of the federal  
 2 Bankruptcy Reform Act of 1994, as it existed on the effective date of  
 3 this act.

4 (d) An actuary performing actuarial valuations pursuant to this  
 5 subsection shall be a member of the American Academy of Actuaries and  
 6 shall meet the academy's qualification standards to render a statement of  
 7 actuarial opinion.

8 Sec. 2. Original section 13-402, Reissue Revised Statutes of  
 9 Nebraska, is repealed.

The Schumacher amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### **MOTION(S) - Return LB415 to Select File**

Senator Kolterman moved to return LB415 to Select File for the following specific amendment:

AM1403

(Amendments to E&R amendments, ER88)

- 1 1. Strike sections 51, 53, and 54 and all amendments thereto and
- 2 insert the following new section:
- 3 Sec. 54. Original sections 23-2308.01, 23-2315.01, 23-2323.01,
- 4 23-2334, 24-701, 24-708, 24-710.01, 24-710.04, 24-710.15, 79-921, 79-926,
- 5 79-933.08, 79-951, 79-958, 81-2025, 81-2034, 84-1301, 84-1309.02,
- 6 84-1319, 84-1323.01, and 84-1325, Reissue Revised Statutes of Nebraska,
- 7 and sections 2-3228, 12-101, 14-567, 14-1805.01, 14-2111, 15-1017,
- 8 16-1017, 16-1037, 19-3501, 23-1118, 23-2301, 23-2317, 23-3526,
- 9 71-1631.02, 79-902, 79-904.01, 79-931, 79-934, 79-954, 79-978, 79-978.01,
- 10 79-987, 79-992, 79-9,100.01, 79-9,105, 81-2014, 84-304, 84-304.02, and
- 11 84-1503, Revised Statutes Cumulative Supplement, 2016, are repealed.
- 12 2. On page 120, line 28, strike "operative date of this section" and
- 13 insert "effective date of this act".
- 14 3. On page 148, line 7, strike "to provide operative dates;".

The Kolterman motion to return prevailed with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

### **SELECT FILE**

**LEGISLATIVE BILL 415.** The Kolterman specific amendment, AM1403, found in this day's Journal, was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.



**LEGISLATIVE BILL 644.** ER86, found on page 1370, was adopted.

Senator Bolz offered her amendment, AM1390, found on page 1517.

Senator Bolz withdrew her amendment.

Senator Murante offered the following amendment:

AM1361

(Amendments to E&R amendments, ER86)

- 1 1. Strike section 16.
- 2 2. On page 24, line 26, strike "68-908,".
- 3 3. Renumber the remaining sections accordingly.

The Murante amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### **MESSAGE(S) FROM THE GOVERNOR**

May 15, 2017

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 332e was received in my office on May 9, 2017.

This bill was signed and delivered to the Secretary of State on May 15, 2017.

Sincerely,  
(Signed) Pete Ricketts  
Governor

May 15, 2017

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

With this letter, I am returning LB 331e with my signature, but with line-item reductions.

In LB 327, I line-item reduced the Highway Cash Fund Appropriation of \$441,900,000 in FY 2017-18 and \$448,600,000 in FY 2018-19. By operation of current law, setting the appropriation at this level will cause an increase in the variable gas tax rate. This will increase the amount of revenue collected for the Roads Operations Cash Fund which you propose to use for higher General Fund appropriations for state agencies, boards, commissions, and institutions in state government.

In LB 331, I line-item vetoed the utilization of \$15,000,000 from the Roads Operations Cash Fund for General Fund appropriations downward to \$7,500,000 in both FY 2017-18 and in FY 2018-19. The Roads Operations Cash Fund is used to finance the construction program within the Department of Roads and is vital to the sustainability and growth of the State. Your proposal is setting a bad precedent of increasing and subsequently utilizing gas tax receipts for General Fund appropriations for other operations and aid programs throughout state government. This practice should not be undertaken in the State of Nebraska.

I urge you to sustain my line-item reductions.

Sincerely,  
(Signed) Pete Ricketts  
Governor

May 15, 2017

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

With this letter, I am returning LB 327e with my signature, but with line-item reductions.

Nebraska's economy has recently faced significant challenges and that has been reflected in the level of tax receipts available to finance the essential services of state government. Nebraska families have tightened their belts and made personal sacrifices and state government must do likewise. While I appreciate your efforts to present a budget without a general tax increase, there remain two principal areas of concern.

In April, the Nebraska Economic Forecasting Advisory Board again revised downward the projection of tax receipts for the current fiscal year and the upcoming budget biennium by \$55 million. You have responded by lowering the statutory requirement to maintain a minimum reserve in the General Fund from 3.0 percent downward to 2.5 percent. This is an artificial

solution in response to lower tax receipts that allows approximately \$40 million of additional spending when prudent fiscal management calls for a higher reserve and less spending from the General Fund—not a lower reserve and more spending.

Your budget proposal also includes a gas tax increase that produces extra highway user fee revenue for the Roads Operations Cash Fund which is redirected and used for \$15 million of additional General Fund spending. Taxpayers expect that their highway gas taxes be used for transportation infrastructure and not for the general operations of other state government operations and aid programs.

My line-item vetoes of General Fund appropriations in LB 327 and LB 330 total approximately \$56.5 million.

I line-item reduced the Highway Cash Fund Appropriation of \$441,900,000 in FY 2017-18 and \$448,600,000 in FY 2018-19. By operation of current law, setting the appropriation at the level you set will cause an increase in the variable gas tax rate. This will increase the amount of revenue collected for the Roads Operations Cash Fund, which you propose to use for higher General Fund appropriations for state agencies, boards, commissions, and institutions in state government.

I have reduced the Highway Cash Fund Appropriation by \$4,400,000 in FY 2017-18 and \$2,100,000 in FY 2018-19 to eliminate your proposed increase in the variable gas tax. I have also line-item vetoed your proposed use of \$7,500,000 of the highway gas tax revenues annually from the Roads Operations Cash Fund for the general operations of state government.

I have line-item reduced by 0.5 percent the General Fund appropriations for operations only (attachment enclosed) of various state agencies, boards, and commissions of state government and the community colleges. The following programs are excluded from this line-item reduction: 1) programs already reduced by three percent or more in LB 327, 2) programs excluded for reduction in FY 2016-17 in LB 22, and 3) further reductions calculated to be less than \$1,000. This 0.5 percent reduction in General Fund appropriations for operations totals \$5,286,431 in FY 2017-18 and \$5,370,458 in FY 2018-19.

I have vetoed \$16,864,489 General Funds in FY 2017-18 and \$16,864,489 in FY 2018-19 for provider rates in four programs within the Department of Health and Human Services; Behavioral Health Aid, Medicaid, Child Welfare Aid, and Developmentally Disabled Aid. This veto returns the level of funding for provider rates to the amounts I recommended in my budget submitted to the Legislature on January 12, 2017.

The Behavioral Health Aid portion of this veto includes \$1,186,633 General Funds for each year of the biennium, equating to a 1.9 percent reduction in

General Funds available for contracts with the state's six behavioral health regions.

My veto of \$11,810,514 General Funds for FY 2017-18 and FY 2018-19 in Medicaid expands the three percent reduction contained in LB 327 for hospitals and physicians to the other provider groups in Medicaid. No additional reductions are recommended for hospital services and physician services beyond the reductions already included in LB 327. The General Fund veto for Medicaid provider rates does not reduce the \$2,600,000 General Funds added each year to increase payments for twenty-seven hospitals paid under a prospective payment system that were negatively affected by a new payment mechanism implemented in 2014.

My FY 2017-18 and FY 2018-19 veto of \$640,914 General Funds for Child Welfare Aid amounts to a 2.2 percent reduction in General Funds available for rates for congregate care services, family support services, and drug testing services. My veto does not impact the \$11,500,000 General Funds added for each of FY 2017-18 and FY 2018-19 for increased child welfare contract costs in the Eastern Service Area.

I have vetoed \$3,226,428 General Funds for FY 2017-18 and FY 2018-19 for the Developmental Disability Aid Program. This reduction represents a 2.2 percent reduction in funds available for provider rates and is consistent with the reduction I recommended in January 2017. The veto does not reduce the \$1,697,234 General Funds added for FY 2017-18 or the \$3,474,752 General Funds added for FY 2018-19 in LB 327 to serve persons on the developmentally disabled waiting list. The veto also does not affect the estimated \$400,000 General Funds available each year to serve individuals on the wait list made available from savings due to the closure of the Bridges Program in Hastings. The \$302,042 General Funds added each year of the biennium for services required under the DD Custody Act are also not subject to my veto.

I have vetoed \$125,000 of cash fund appropriation and \$42,230 of salary limit in FY 2017-18 and FY 2018-19 in the Department of Labor. This entirely new appropriation incorporates portions of LB 416, a bill that would have mandated the Department to hire two new bilingual investigators. LB 327 funds one new bilingual investigator in the agency.

Additional funding for this new staff position is not needed. The agency currently employs one bilingual Labor Law Specialist to assist in investigations and is in the process of hiring for a second position. The second position has been vacant for six months as the agency actively searches for a qualified bilingual applicant. At a time when we are reducing the size of state government, adding a third staff position to the Department is not warranted. Another concern is that the earmark contained in LB 327 would pay the \$125,000 additional annual cost from an agency cash fund without providing any additional revenue.

You have reduced the required General Fund minimum reserve in order to artificially present a balanced budget for the 2017-2019 budget biennium. Your budget proposal includes a gas tax increase that provides extra revenue for the Roads Operations Cash Fund which is then used for the general operations and aid programs of state government.

My \$56.5 million in line-item vetoes restore the General Fund reserve to three percent without the use of a financing gimmick or using increased highway gas taxes.

I urge you to sustain my line-item reductions.

Sincerely,  
(Signed) Pete Ricketts  
Governor

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 251.** Introduced by Murante, 49.

WHEREAS, the Norfolk Veterans' Home Foundation, Inc. has offered to the Norfolk Veterans' Home Heroes Park Project a gift of materials, labor, and in-kind services of \$300,000; and

WHEREAS, the gift of materials, labor, and in-kind services will be used for grading, soil preparation work, concrete work, electrical work, and landscaping for a World War II and Korean War Memorial to be added to the Flag Plaza located in front of the Norfolk Veterans' Home; and

WHEREAS, Norfolk Veterans' Home Foundation, Inc. will be responsible for payment of any debts incurred for work described through the use of donated funds and for all perpetual maintenance of the memorial, excluding normal mowing and snow removal by the Norfolk Veterans' Home, and no expense will be passed on to the state; and

WHEREAS, the project will be a wonderful addition to the Norfolk Veterans' Home and will add to the quality of life of the veterans served by the home; and

WHEREAS, the Government, Military and Veterans Affairs Committee of the Legislature held a public hearing on this matter on May 15, 2017.

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

1. That the Legislature approves the gift from the Norfolk Veterans' Home Foundation, Inc. to the Norfolk Veterans' Home Heroes Park Project of materials, labor, and in-kind services of \$300,000.

2. That such approval is granted with the understanding that the materials, labor, and in-kind services will be used for adding a World War II and Korean War Memorial to the Flag Plaza located in front of the Norfolk Veterans' Home.

Laid over.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 26.** Read. Considered.

LR26 was adopted with 24 ayes, 1 nay, 17 present and not voting, and 7 excused and not voting.

**LEGISLATIVE RESOLUTION 27.** Read. Considered.

Senator Bolz offered the following amendment:

AM643

- 1 1. In the fourth WHEREAS clause, strike "Charities" and insert
- 2 "Social Services".

Senator Bolz moved for a call of the house. The motion prevailed with 21 ayes, 4 nays, and 24 not voting.

Senator Bolz requested a roll call vote on her amendment.

Voting in the affirmative, 23:

Baker	Ebke	Krist	Quick	Walz
Blood	Hansen	McCollister	Scheer	Williams
Bolz	Harr	McDonnell	Schumacher	Wishart
Chambers	Howard	Morfeld	Stinner	
Crawford	Kolowski	Pansing Brooks	Vargas	

Voting in the negative, 5:

Brewer	Briese	Erdman	Halloran	Lowe
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Present and not voting, 14:

Albrecht	Clements	Geist	Larson	Riepe
Bostelman	Craighead	Hughes	Linehan	Smith
Brasch	Friesen	Kuehn	Murante	

Excused and not voting, 7:

Groene	Hilkemann	Lindstrom	Wayne
Hilgers	Kolterman	Watermeier	

The Bolz amendment lost with 23 ayes, 5 nays, 14 present and not voting, and 7 excused and not voting.

LR27 was adopted with 21 ayes, 7 nays, 14 present and not voting, and 7 excused and not voting.

**COMMITTEE REPORT(S)**  
Government, Military and Veterans Affairs

**LEGISLATIVE BILL 482.** Placed on General File.

**LEGISLATIVE RESOLUTION 95.** Reported to the Legislature for further consideration.

The Government, Military and Veterans 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.

Steven F. Danon - State Emergency Response Commission

Aye: 8 Blood, Brewer, Briese, Craighead, Hilgers, Lowe, Murante, Wayne.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Murante, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Halloran name added to LR181.

**WITHDRAW - Cointroducer(s)**

Senator Groene name withdrawn from LR6.  
Senator Groene name withdrawn from LR218.

**VISITORS**

Visitors to the Chamber were Senator Scheer's wife, father-in-law, and mother-in-law, Kris Scheer, and Doug and Ginge Dudley.

**ADJOURNMENT**

At 3:10 p.m., on a motion by Senator Walz, the Legislature adjourned until 1:30 p.m., Tuesday, May 16, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature





**EIGHTY-THIRD DAY - MAY 16, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**EIGHTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
 Tuesday, May 16, 2017

**PRAYER**

The prayer was offered by Senator Kolterman.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 1:30 p.m., President Foley presiding.

The roll was called and all members were present except Senator Lindstrom who was excused; and Senators Bolz, Hughes, Kuehn, Morfeld, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-second day was approved.

**COMMITTEE REPORT(S)**  
 Enrollment and Review

**LEGISLATIVE BILL 333.** Placed on Select File with amendment.  
 ER90

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 71-1107, Revised Statutes Cumulative Supplement,
- 4 2016, is amended to read:
- 5 71-1107 Developmental disability means a severe, chronic disability,
- 6 including an intellectual disability, other than mental illness, which:
- 7 an intellectual disability or a severe chronic cognitive impairment,
- 8 other than mental illness, that is manifested before the age of twenty-
- 9 two years and is likely to continue indefinitely.
- 10 (1) Is attributable to a mental or physical impairment unless the
- 11 impairment is solely attributable to a severe emotional disturbance or
- 12 persistent mental illness;
- 13 (2) Is manifested before the age of twenty-two years;
- 14 (3) Is likely to continue indefinitely;
- 15 (4) Results in substantial functional limitations in one of each of

16 the following areas of adaptive functioning:

17 (a) Conceptual skills, including language, literacy, money, time,  
18 number concepts, and self-direction;

19 (b) Social skills, including interpersonal skills, social  
20 responsibility, self-esteem, gullibility, wariness, social problem  
21 solving, and the ability to follow laws and rules and to avoid being  
22 victimized; and

23 (c) Practical skills, including activities of daily living, personal  
24 care, occupational skills, health care, mobility, and the capacity for  
25 independent living; and

26 (5) Reflects the individual's need for a combination and sequence of  
27 special, interdisciplinary, or generic services, individualized support,  
1 or other forms of assistance that are of lifelong or extended duration  
2 and are individually planned and coordinated.

3 An individual from birth through the age of nine years who has a  
4 substantial developmental delay or specific congenital or acquired  
5 condition may be considered to have a developmental disability without  
6 manifesting substantial functional limitations in three or more of the  
7 areas of adaptive functioning described in subdivision (4) of this  
8 section if the individual, without services and support, has a high  
9 probability of manifesting such limitations in such areas later in life.

10 Sec. 2. Section 71-1108.01, Revised Statutes Cumulative Supplement,  
11 2016, is amended to read:

12 71-1108.01 Intellectual disability means ~~a state of~~ significantly  
13 subaverage general intellectual functioning which is associated with  
14 significant impairments in adaptive functioning manifested before the age  
15 of twenty-two years. Significant subaverage general intellectual  
16 functioning shall refer to a score of seventy or below on a properly  
17 administered and valid intelligence quotient test.

18 Sec. 3. Section 83-1201, Revised Statutes Cumulative Supplement,  
19 2016, is amended to read:

20 83-1201 Sections 83-1201 to 83-1227 and section 8 of this act shall  
21 be known and may be cited as the Developmental Disabilities Services Act.

22 Sec. 4. Section 83-1202, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 83-1202 It is the intent of the Legislature that:

25 (1) All persons with developmental disabilities shall receive  
26 services and assistance which present opportunities to increase their  
27 independence, productivity, and integration into the community;

28 (2) All persons with developmental disabilities shall have access to  
29 a full array of services appropriate for them as individuals;

30 (3) All persons with developmental disabilities shall have a right,  
31 ~~to the maximum extent possible,~~ to live, work, and recreate with people  
1 who are not disabled;

2 (4) All persons with developmental disabilities shall, ~~to the~~  
3 ~~maximum extent possible,~~ be served in their communities and should only  
4 be served by specialized programs when their needs cannot be met through  
5 general services available to all persons, including those without  
6 disabilities;

7 (5) All persons with developmental disabilities shall have the right  
8 to receive age-appropriate services consistent with their individual  
9 needs, potentials, and abilities;

10 (6) All persons with developmental disabilities shall be afforded  
11 the same rights, dignity, and respect as members of society who are not  
12 disabled; and

13 (7) Persons who deliver services to persons with developmental  
14 disabilities shall be assured a uniform system of compensation and  
15 training and a full range of work-site enhancements which attract and  
16 retain qualified employees. ;

17 ~~(8) The first priority of the state in responding to the needs of  
18 persons with developmental disabilities should be to ensure that all such  
19 persons have sufficient food, housing, clothing, medical care, protection  
20 from abuse or neglect, and protection from harm; and~~

21 ~~(9) The second priority of the state in responding to the needs of  
22 persons with developmental disabilities should be to ensure that all such  
23 persons receive appropriate assessment of their needs, planning to meet  
24 their needs, information about services available to meet their needs,  
25 referral to services matched to their needs, coordination of services  
26 delivered, support sufficient to allow them to live with their natural  
27 families or independently, transportation to facilitate access to  
28 services, and meaningful habilitation, education, training, employment,  
29 and recreation designed to enhance their skills, increase their  
30 independence, and improve their quality of life.~~

31 Sec. 5. Section 83-1209, Reissue Revised Statutes of Nebraska, is  
1 amended to read:

2 83-1209 To carry out the policies and purposes of the Developmental  
3 Disabilities Services Act, the director shall:

- 4 (1) Ensure effective management by (a) determining whether  
5 applicants are eligible for specialized services, (b) authorizing service  
6 delivery for eligible persons, (c) ensuring that services are available,  
7 accessible, and coordinated, (d) ensuring that eligible persons have  
8 their needs assessed by a team process, have individual program plans  
9 developed by a team process to address assessed needs, which plans  
10 incorporate the input of the individual and the family, and have services  
11 delivered in accordance with the program plan, (e) having the amount of  
12 funding for specialized services determined by an objective assessment  
13 process, (f) providing information and referral services to persons with  
14 developmental disabilities and their families, (g) promoting the  
15 development of pilot projects of high quality, cost-efficient services  
16 provided by specialized programs, and (h) administering the Beatrice  
17 State Developmental Center;
- 18 (2) Ensure a coordinated statewide response by (a) developing a  
19 comprehensive and integrated statewide plan for specialized services to  
20 persons with developmental disabilities in conjunction with state and  
21 local officials, designated advocates for such persons, service  
22 providers, and the general public, (b) reporting biennially to the  
23 Legislature, the Governor, service providers, and the public on persons  
24 served and progress made toward meeting requirements of the plan, and (c)

25 creating a statewide registry of persons eligible for specialized  
 26 services. The report submitted to the Legislature shall be submitted  
 27 electronically;

28 (3) Ensure specialized services which are efficient and  
 29 individualized by (a) developing a written policy which ensures the  
 30 adequate and equitable distribution of fiscal resources based upon a  
 31 consistent rationale for reimbursement that allows funding to follow  
 1 service recipients as their service needs change and which also includes  
 2 a plan for funding shortfalls and (b) administering all state and federal  
 3 funds as may be allowed by law;

4 (4) Ensure maximum quality of services by (a) developing a due  
 5 process mechanism for resolution of disputes, (b) coordinating the  
 6 development and implementation of a quality management and improvement  
 7 plan as described in section 8 of this act ~~review teams designed to~~  
 8 ~~enhance the quality of specialized services~~, (c) developing certification  
 9 and accreditation requirements for service providers, (d) providing  
 10 technical assistance to local service providers, and (e) providing  
 11 eligible persons, their families, and the designated protection and  
 12 advocacy system authorized pursuant to the Developmental Disabilities  
 13 Assistance and Bill of Rights Act of 2000, 42 U.S.C. 15001 et seq., with  
 14 copies of all reports resulting from surveys of providers of specialized  
 15 services conducted as part of the certification and accreditation  
 16 process; and

17 (5) Establish and staff a developmental disabilities division which  
 18 shall assist in carrying out the policies and purposes of the  
 19 Developmental Disabilities Services Act.

20 Sec. 6. Section 83-1212.01, Reissue Revised Statutes of Nebraska, is  
 21 amended to read:

22 83-1212.01 (1) There is hereby created the Advisory Committee on  
 23 Developmental Disabilities. The advisory committee shall consist of a  
 24 representative of a statewide advocacy organization for persons with  
 25 developmental disabilities and their families, a representative of  
 26 Nebraska's designated protection and advocacy organization, a  
 27 representative of the Nebraska Planning Council on Developmental  
 28 Disabilities, a representative of the University Center for Excellence in  
 29 Developmental Disability Education, Research and Service as defined in  
 30 section 68-1114, and not more than fifteen additional members. ~~At , at~~  
 31 ~~least fifty-one percent of the members one-third of whom shall be persons~~  
 1 ~~with developmental disabilities and family members , at least one-third~~  
 2 ~~of whom shall be families of persons with developmental disabilities, and~~  
 3 ~~no more than one-third of whom shall be elected officials or interested~~  
 4 ~~community persons.~~

5 (2) The members shall be appointed by the Governor for staggered  
 6 terms of three years. Any vacancy shall be filled by the Governor for the  
 7 remainder of the term. One of the members shall be designated as  
 8 chairperson by the Governor. Members shall be reimbursed for their actual  
 9 and necessary expenses as provided in sections 81-1174 to 81-1177.

10 (3) The advisory committee shall advise the department regarding all  
 11 aspects of the funding and delivery of services to persons with

12 developmental disabilities.

13 (4) The advisory committee shall (a) provide sufficient oversight to  
14 ensure that persons placed in the custody of the department under the  
15 Developmental Disabilities Court-Ordered Custody Act are receiving the  
16 least restrictive treatment and services necessary and (b) oversee the  
17 design and implementation of the quality management and improvement plan  
18 described in section 8 of this act.

19 (5) The department shall inform the advisory committee of proposed  
20 systemic changes to services for persons with developmental disabilities  
21 at least thirty days prior to implementation of the changes so that the  
22 advisory committee may provide for a response to the proposed changes. If  
23 the director determines that circumstances require implementation of the  
24 changes prior to such notice, the department shall inform the advisory  
25 committee as soon as possible. The advisory committee, in partnership  
26 with the director, shall establish criteria for the process of providing  
27 the information and receiving the response.

28 Sec. 7. Section 83-1216, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 83-1216 (1) The department shall administer the medicaid home and  
31 community-based services waivers upon application approval by the federal  
1 Centers for Medicare and Medicaid Services. Beginning July 1, 2019 ~~1995~~,  
2 persons determined to be eligible for specialized services who ~~on or~~  
3 after ~~September 6, 1993~~, graduate from high school, reach the age of  
4 twenty-one years, or are currently receiving services shall receive  
5 services in accordance with the Developmental Disabilities Services Act.  
6 The amount of funding for any person receiving services shall be  
7 determined using an objective assessment process developed by the  
8 department and approved by the federal Centers for Medicare and Medicaid  
9 Services ~~plan in subsection (3) of this section.~~

10 (2) The department shall provide directly or by contract service  
11 coordination to Nebraska residents found to be eligible for specialized  
12 services.

13 (3) ~~It is the intent of the Legislature that by July 1, 2010, all~~  
14 ~~persons determined to be eligible for services shall receive services in~~  
15 ~~accordance with the act.~~

16 (3) (4) It is the intent of the Legislature that the department take  
17 all possible steps to maximize federal funding in order to implement  
18 subsections (1) and (2) of this section prior to the date these  
19 subsections become entitlements. All Nebraska residents eligible for  
20 funding for specialized services through the department under the  
21 Developmental Disabilities Services Act shall apply for and accept any  
22 federal medicaid benefits for which they may be eligible and benefits  
23 from other funding sources within the department, the State Department of  
24 Education, specifically including the Division of Rehabilitation  
25 Services, and other agencies to the maximum extent possible.

26 (4) The priorities for funding under this section are as follows:

27 (a) The first funding priority of the state shall be responding to  
28 the needs of persons with developmental disabilities in immediate crisis  
29 due to caregiver death, homelessness, or a threat to the life and safety

30 of the person;

31 (b) The second funding priority of the state in responding to the  
1 needs of persons with developmental disabilities shall be for persons  
2 that have resided in an institutional setting for a period of at least  
3 twelve consecutive months and who are requesting community-based  
4 services;

5 (c) The third funding priority of the state in responding to the  
6 needs of persons with developmental disabilities shall be for serving  
7 wards of the department or persons placed under the supervision of the  
8 Office of Probation Administration by the Nebraska court system who are  
9 transitioning upon age nineteen with no other alternatives as determined  
10 by the department to support residential services necessary to pursue  
11 economic self-sufficiency;

12 (d) The fourth funding priority of the state in responding to the  
13 needs of persons with developmental disabilities shall be for serving  
14 persons transitioning from the education system upon attaining twenty-one  
15 years of age to maintain skills and receive the day services necessary to  
16 pursue economic self-sufficiency; and

17 (e) The fifth funding priority of the state in responding to the  
18 needs of persons with developmental disabilities shall be for serving all  
19 other persons by date of application.

20 Sec. 8. (1)(a) The department shall, with the assistance and  
21 support of the Advisory Committee on Developmental Disabilities, develop  
22 and implement a quality management and improvement plan to promote and  
23 monitor quality relating to services and quality of life for persons with  
24 developmental disabilities.

25 (b) The purpose of the quality management and improvement plan is to  
26 provide information necessary for an accurate assessment of the quality  
27 and effectiveness of services for persons with developmental disabilities  
28 and their families and the delivery of such services, with special  
29 attention to the impact that the services have on the quality of life of  
30 recipients and their families.

31 (c) The quality management and improvement plan shall reflect  
1 national best practice for services for persons with developmental  
2 disabilities and their families as determined by the department with the  
3 assistance of the advisory committee.

4 (d) The quality management and improvement plan shall assess,  
5 through both quantitative and qualitative means, (i) the quality of  
6 services provided to persons with developmental disabilities and their  
7 families, (ii) the ability of the services provided to meet the needs of  
8 the recipients of the services, (iii) the effect of the services to  
9 support or improve the quality of life of the recipients of the services,  
10 and (iv) the satisfaction of the recipients with the process of  
11 determination of eligibility and the process of delivery of the services.  
12 In order to develop the quality management and improvement plan, the  
13 department shall use procedures to collect data from recipients of  
14 services for persons with disabilities and their families by relying on  
15 external, independent evaluators who are not employed by the department.  
16 The quality management and improvement plan shall give significance to

17 input gathered from recipients of services for persons with developmental  
18 disabilities and families of such recipients and include information  
19 gathered from the department.

20 (e) The quality management and improvement plan shall include  
21 recommendations for improvements to the types of services and the  
22 delivery of services for persons with developmental disabilities and  
23 their families.

24 (2) The department shall provide a quality management plan  
25 electronically to the Legislature no later than September 30, 2017. In  
26 the plan the department shall detail its approach to ensuring a  
27 sustainable, continuous, quality improvement management system for the  
28 delivery of services for persons with developmental disabilities and  
29 their families that incorporates responsibilities of the department and  
30 recipients.

31 (3) The department shall issue an implementation report regarding  
1 the quality management and improvement plan and publish it on the web  
2 site of the department and provide it electronically to the Legislature  
3 on or before December 30, 2017, and March 30, 2018. Beginning in 2018,  
4 the department shall annually provide a report regarding outcomes,  
5 improvement priorities, and activities of the department during the  
6 previous fiscal year. The report shall be published on the web site of  
7 the department and shall be provided electronically to the Legislature on  
8 or before September 30.

9 Sec. 9. Sections 5, 10, and 13 of this act become operative on  
10 October 1, 2017. Sections 6 and 11 of this act become operative three  
11 calendar months after the adjournment of this legislative session. The  
12 other sections of this act become operative on their effective date.

13 Sec. 10. Original section 83-1209, Reissue Revised Statutes of  
14 Nebraska, is repealed.

15 Sec. 11. Original section 83-1212.01, Reissue Revised Statutes of  
16 Nebraska, is repealed.

17 Sec. 12. Original sections 83-1202 and 83-1216, Reissue Revised  
18 Statutes of Nebraska, and sections 71-1107, 71-1108.01, and 83-1201,  
19 Revised Statutes Cumulative Supplement, 2016, are repealed.

20 Sec. 13. The following section is outright repealed: Section  
21 83-1213, Reissue Revised Statutes of Nebraska.

22 Sec. 14. The following section is outright repealed: Section  
23 71-1113, Reissue Revised Statutes of Nebraska.

24 Sec. 15. Since an emergency exists, this act takes effect when  
25 passed and approved according to law.

26 2. On page 1, strike beginning with "assistance" in line 1 through  
27 line 4 and insert "health and welfare; to amend sections 83-1202,  
28 83-1209, 83-1212.01, and 83-1216, Reissue Revised Statutes of Nebraska,  
29 and sections 71-1107, 71-1108.01, and 83-1201, Revised Statutes  
30 Cumulative Supplement, 2016; to provide, change, and eliminate  
31 definitions for the Developmental Disabilities Court-Ordered Custody Act;  
1 to restate legislative intent; to change powers and duties of the  
2 Director of Developmental Disabilities of the Division of Developmental  
3 Disabilities, of such division, and the Advisory Committee on

4 Developmental Disabilities; to change the membership of the advisory  
5 committee; to change provisions relating to eligibility for services and  
6 funding for services under the Developmental Disabilities Services Act;  
7 to provide for a quality management and improvement plan; to eliminate  
8 quality review teams; to harmonize provisions; to provide operative  
9 dates; to repeal the original sections; to outright repeal sections  
10 71-1113 and 83-1213, Reissue Revised Statutes of Nebraska; and to declare  
11 an emergency."

**LEGISLATIVE BILL 333A.** Placed on Select File.

**LEGISLATIVE BILL 496.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 72.** Placed on Final Reading.

ST35

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "the" in line 1 through line 7 has been struck and "political subdivisions; to amend section 13-402, Reissue Revised Statutes of Nebraska; to change provisions relating to cities and villages filing for bankruptcy; to harmonize provisions; and to repeal the original section." inserted.

**LEGISLATIVE BILL 415.** Placed on Final Reading.

ST34

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E&R amendments, ER88:  
a. On page 105, lines 18 and 22, "38" has been struck and "39" inserted; and  
b. On page 148, line 2, the first comma has been struck and "and" inserted; and the matter beginning with the second comma in line 2 through "prescribed" in line 4 has been struck.

**LEGISLATIVE BILL 644.** Placed on Final Reading.

ST36

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E&R amendments, ER86, on page 25, line 10, "68-908," has been struck.

(Signed) Anna Wishart, Chairperson



**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 26 and 27.

**MOTION(S) - Confirmation Report(s)**

Senator Brasch moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 1450:

Nebraska State Fair Board  
Beth Smith

Voting in the affirmative, 36:

Albrecht	Clements	Harr	Linehan	Smith
Baker	Craighead	Hilgers	Lowe	Stinner
Blood	Ebke	Hilkemann	McDonnell	Walz
Bostelman	Erdman	Howard	Murante	Wishart
Brasch	Friesen	Kolowski	Pansing Brooks	
Brewer	Geist	Kolterman	Riepe	
Briese	Groene	Krist	Scheer	
Chambers	Halloran	Larson	Schumacher	

Voting in the negative, 0.

Present and not voting, 7:

Crawford	McCollister	Vargas	Williams
Hansen	Quick	Wayne	

Excused and not voting, 6:

Bolz	Kuehn	Morfeld
Hughes	Lindstrom	Watermeier

The appointment was confirmed with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1477:

State Board of Health  
Brian Brightman

Voting in the affirmative, 35:

Albrecht	Briese	Groene	Krist	Riepe
Baker	Clements	Halloran	Kuehn	Scheer
Blood	Craighead	Harr	Linehan	Schumacher
Bolz	Ebke	Hilgers	Lowe	Smith
Bostelman	Erdman	Hilkemann	McDonnell	Stinner
Brasch	Friesen	Howard	Murante	Walz
Brewer	Geist	Kolowski	Pansing Brooks	Williams

Voting in the negative, 0.

Present and not voting, 10:

Chambers	Hansen	Larson	Quick	Wayne
Crawford	Kolterman	McCollister	Vargas	Wishart

Excused and not voting, 4:

Hughes	Lindstrom	Morfeld	Watermeier
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The appointment was confirmed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1477:

Commission for the Deaf and Hard of Hearing  
 Candice Arteaga  
 Marc A. Brennan  
 Frank R. Turk

Voting in the affirmative, 35:

Albrecht	Chambers	Halloran	Linehan	Riepe
Baker	Clements	Harr	Lowe	Schumacher
Blood	Craighead	Hilkemann	McCollister	Smith
Bostelman	Ebke	Howard	McDonnell	Stinner
Brasch	Erdman	Kolowski	Morfeld	Walz
Brewer	Friesen	Krist	Murante	Williams
Briese	Groene	Kuehn	Pansing Brooks	Wishart

Voting in the negative, 0.

Present and not voting, 10:

Bolz	Hansen	Kolterman	Quick	Vargas
Crawford	Hilgers	Larson	Scheer	Wayne

Excused and not voting, 4:

Geist            Hughes            Lindstrom            Watermeier

The appointments were confirmed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1477:

Foster Care Review Board  
Timothy Robinson

Voting in the affirmative, 34:

Albrecht	Chambers	Groene	Linehan	Schumacher
Baker	Clements	Halloran	Lowe	Smith
Blood	Craighead	Harr	McDonnell	Stinner
Bostelman	Crawford	Hilkemann	Morfeld	Walz
Brasch	Ebke	Howard	Murante	Williams
Brewer	Erdman	Kolowski	Pansing Brooks	Wishart
Briese	Friesen	Kuehn	Riepe	

Voting in the negative, 0.

Present and not voting, 12:

Bolz	Hughes	Larson	Scheer
Hansen	Kolterman	McCollister	Vargas
Hilgers	Krist	Quick	Wayne

Excused and not voting, 3:

Geist            Lindstrom            Watermeier

The appointment was confirmed with 34 ayes, 0 nays, 12 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 1551:

State Emergency Response Commission  
Steven F. Danon

Voting in the affirmative, 36:

Albrecht	Clements	Harr	McDonnell	Walz
Baker	Craighead	Hilgers	Morfeld	Wayne
Blood	Crawford	Hilkemann	Murante	Williams
Bostelman	Ebke	Howard	Pansing Brooks	Wishart
Brasch	Erdman	Kolowski	Quick	
Brewer	Friesen	Kuehn	Schumacher	
Briese	Halloran	Lowe	Smith	
Chambers	Hansen	McCollister	Stinner	

Voting in the negative, 0.

Present and not voting, 10:

Bolz	Hughes	Krist	Linehan	Scheer
Groene	Kolterman	Larson	Riepe	Vargas

Excused and not voting, 3:

Geist	Lindstrom	Watermeier
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The appointment was confirmed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 333.** ER90, found in this day's Journal, was adopted.

Senator Riepe offered the following amendment:

AM1410

(Amendments to E&R amendments, ER90)

1 1. On page 7, lines 2 and 3, reinstate the stricken matter; and in  
2 line 26 after "funding" insert "the medicaid home and community-based  
3 services waivers".

The Riepe amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 333A.** Senator Riepe offered the following motion:

MO142

Indefinitely postpone.

The Riepe motion to indefinitely postpone prevailed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 496.** Senator Williams offered his amendment, AM1378, found on page 1511.

Senator Friesen offered the following amendment to the Williams amendment:

AM1414

(Amendments to AM1378)

- 1 1. Insert the following new amendment:
- 2 3. On page 5, lines 12 and 13, strike "first and".
- 3 2. Renumber the remaining amendments accordingly.

Senator Friesen withdrew his amendment.

Senator Friesen offered the following amendment to the Williams amendment:

AM1413

(Amendments to AM1378)

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 18-2147, Revised Statutes Cumulative Supplement,
- 3 2016, is amended to read:
- 4 18-2147 (1) Any redevelopment plan as originally approved or as
- 5 later modified pursuant to section 18-2117 may contain a provision that
- 6 any ad valorem tax levied upon real property, or any portion thereof, in
- 7 a redevelopment project for the benefit of any public body shall be
- 8 divided, for a period not to exceed fifteen years after the effective
- 9 date as identified in the project redevelopment contract or in the
- 10 resolution of the authority authorizing the issuance of bonds pursuant to
- 11 section 18-2124, as follows:
- 12 (a) That portion of the ad valorem tax which is produced by the levy
- 13 at the rate fixed each year by or for each such public body upon the
- 14 redevelopment project valuation shall be paid into the funds of each such
- 15 public body in the same proportion as are all other taxes collected by or
- 16 for the body. When there is not a redevelopment project valuation on a
- 17 parcel or parcels, the county assessor shall determine the redevelopment
- 18 project valuation based upon the fair market valuation of the parcel or
- 19 parcels as of January 1 of the year prior to the year that the ad valorem
- 20 taxes are to be divided. The county assessor shall provide written notice
- 21 of the redevelopment project valuation to the authority as defined in
- 22 section 18-2103 and the owner. The authority or owner may protest the
- 23 valuation to the county board of equalization within thirty days after
- 24 the date of the valuation notice. All provisions of section 77-1502
- 25 except dates for filing of a protest, the period for hearing protests,
- 26 and the date for mailing notice of the county board of equalization's
- 1 decision are applicable to any protest filed pursuant to this section.
- 2 The county board of equalization shall decide any protest filed pursuant
- 3 to this section within thirty days after the filing of the protest. The
- 4 county clerk shall mail a copy of the decision made by the county board
- 5 of equalization on protests pursuant to this section to the authority or
- 6 owner within seven days after the board's decision. Any decision of the

7 county board of equalization may be appealed to the Tax Equalization and  
8 Review Commission, in accordance with section 77-5013, within thirty days  
9 after the date of the decision;

10 (b) That portion of the ad valorem tax on real property, as provided  
11 in the redevelopment contract or bond resolution, in the redevelopment  
12 project in excess of such amount, if any, shall be allocated to and, when  
13 collected, paid into a special fund of the authority to be used solely to  
14 pay the principal of, the interest on, and any premiums due in connection  
15 with the bonds of, loans, notes, or advances of money to, or indebtedness  
16 incurred by, whether funded, refunded, assumed, or otherwise, such  
17 authority for financing or refinancing, in whole or in part, the  
18 redevelopment project. When such bonds, loans, notes, advances of money,  
19 or indebtedness, including interest and premiums due, have been paid, the  
20 authority shall so notify the county assessor and county treasurer and  
21 all ad valorem taxes upon taxable real property in such a redevelopment  
22 project shall be paid into the funds of the respective public bodies; and  
23 (c) Any interest and penalties due for delinquent taxes shall be  
24 paid into the funds of each public body in the same proportion as are all  
25 other taxes collected by or for the public body.

26 (2) The effective date of a provision dividing ad valorem taxes as  
27 provided in subsection (1) of this section shall not occur until such  
28 time as the real property in the redevelopment project is within the  
29 corporate boundaries of the city. This subsection shall not apply to a  
30 redevelopment project involving a formerly used defense site as  
31 authorized in section 18-2123.01.

1 (3) Beginning August 1, 2006, all notices of the provision for  
2 dividing ad valorem taxes shall be sent by the authority to the county  
3 assessor on forms prescribed by the Property Tax Administrator. The  
4 notice shall be sent to the county assessor on or before August 1 of the  
5 year of the effective date of the provision. Failure to satisfy the  
6 notice requirement of this section shall result in the taxes, for all  
7 taxable years affected by the failure to give notice of the effective  
8 date of the provision, remaining undivided and being paid into the funds  
9 for each public body receiving property taxes generated by the property  
10 in the redevelopment project. However, the redevelopment project  
11 valuation for the remaining division of ad valorem taxes in accordance  
12 with subdivisions (1)(a) and (b) of this section shall be the last  
13 certified valuation for the taxable year prior to the effective date of  
14 the provision to divide the taxes for the remaining portion of the  
15 fifteen-year period pursuant to subsection (1) of this section.

16 (4) If a redevelopment plan includes a redevelopment project for the  
17 construction of workforce housing as defined in section 18-2103, the only  
18 ad valorem taxes that shall be divided pursuant to subsection (1) of this  
19 section shall be the ad valorem taxes of the city or village approving  
20 such redevelopment plan.

21 2. On page 1, line 19, after the period insert "If a redevelopment  
22 project for the construction of workforce housing includes the use of  
23 tax-increment financing, such tax-increment financing shall comply with  
24 subsection (4) of section 18-2147.".

Senator Stinner offered the following motion:

MO148

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Senator Stinner requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 32:

Baker	Geist	Kolterman	Quick	Watermeier
Blood	Hansen	Krist	Riepe	Wayne
Bolz	Harr	Larson	Scheer	Williams
Briese	Hilkemann	McCollister	Smith	Wishart
Craighead	Howard	McDonnell	Stinner	
Crawford	Hughes	Morfeld	Vargas	
Ebke	Kolowski	Pansing Brooks	Walz	

Voting in the negative, 9:

Brasch	Chambers	Friesen	Hilgers	Lowe
Brewer	Erdman	Groene	Kuehn	

Present and not voting, 7:

Albrecht	Clements	Linehan	Schumacher
Bostelman	Halloran	Murante	

Excused and not voting, 1:

Lindstrom

The Stinner motion to invoke cloture failed with 32 ayes, 9 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

#### **MOTION(S) - Print in Journal**

The Appropriations Committee filed the following motion to LB327:

MO141

Override the Governor's line-item veto in Section 19, Agency 05, the Supreme Court, Program 067, Probation Services.

The Appropriations Committee filed the following motion to LB327:

MO143

Override the Governor's line-item veto in Section 97, Agency 25, Department of Health and Human Services, Program 038, Behavioral Health Aid.

Section 104, Agency 25, Department of Health and Human Services, Program 348, Medical Assistance.

Section 110, Agency 25, Department of Health and Human Services, Program 424, Developmental Disability Aid.

Senator McCollister filed the following motion to LB327:

MO144

Override the Governor's line-item veto in Section 21, Agency 05, the Supreme Court, Program 420, State Specialized Court Operations.

Senator Crawford filed the following motion to LB327:

MO145

Override the Governor's line-item veto in Section 106, Agency 25, Department of Health and Human Services, Program 354, Child Welfare.

Senator Krist filed the following motion to LB327:

MO146

Override the Governor's line-item veto in Section 23, Agency 05, the Supreme Court, Program 437, Juvenile Justice.

Senator Morfeld filed the following motion to LB327:

MO147

Override the Governor's line-item veto in Section 173, Agency 51, University of Nebraska, Program 781, University Administration.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 252.** Introduced by Bolz, 29.

WHEREAS, aging Nebraskans have a variety of unique needs in many areas including health care, housing, long-term care, and transportation; and

WHEREAS, advocacy for issues facing aging Nebraskans has been important in educating the Legislature in the ways that it can find solutions for the issues facing elderly constituents; and

WHEREAS, Mark Intermill has worked to advocate for the interests of aging persons for over 30 years; and

WHEREAS, Mark Intermill has served as the Associate State Director and Advocacy Director for the Nebraska chapter of the American Association of Retired Persons (AARP) since 2001; and

WHEREAS, prior to joining AARP Nebraska, Mark Intermill served as the Administrator of Aging Services at the Nebraska Department of Health and Human Services from 1990 to 2001; and

WHEREAS, Mark Intermill also served as the Director of the Kansas Coalition on Aging from 1985 to 1990; and

WHEREAS, Mark Intermill will be retiring from the AARP on October 31, 2017.



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

1. That the Legislature thanks Mark Intermill for his years of service for aging Nebraskans and wishes him a happy retirement.
2. That a copy of this resolution be sent to Mark Intermill and the AARP Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 253.** Introduced by Stinner, 48.

WHEREAS, James "Jay" Templar has served the City of Gering, its citizens, and the region since 1980 as a volunteer firefighter, and since April 1, 1991, Jay Templar has served as the Fire Chief for the City of Gering; and

WHEREAS, throughout Jay Templar's career as a volunteer firefighter and Fire Chief for the City of Gering, he received training and certification as an Emergency Medical Technician and in managing prescribed wildland fires, strategic and tactical operations management, incident command systems, and hazardous material operations; and

WHEREAS, in 1984, Jay Templar was named outstanding firefighter for the City of Gering Volunteer Fire Department. In 1988, he received the Nebraska Aksarben Firemanship Award. He has also served as President of the Nebraska Fire Chiefs Association; and

WHEREAS, in 1999, Jay Templar was named by Governor Mike Johanns to serve as one of nine members of the Volunteer Service Award Benefit Review Board, charged in legislation with establishing minimum requirements for qualifying as a volunteer firefighter and volunteer rescue squad member pursuant to the Volunteer Emergency Responders Recruitment and Retention Act; and

WHEREAS, Jay Templar was part of a five-member Nebraska Partners in Prevention group that received the 2004 Bronze Smokey Bear Award, presented by the United States Department of Agriculture and the National Association of State Foresters for outstanding wildfire prevention service impacting an entire state over a two-year period; and

WHEREAS, Jay Templar has appeared before the Nebraska Unicameral to testify at committee hearings on behalf of volunteer first responders across Nebraska; and

WHEREAS, Jay Templar has served as a mentor for countless individuals who have chosen careers as volunteer firefighters or volunteer emergency medical responders; and

WHEREAS, Jay Templar will retire as the Fire Chief for the City of Gering in May 2017 after a long and successful career in the fire service.

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

1. That the Legislature recognizes Jay Templar's many years of service to the City of Gering, Scotts Bluff County, and the State of Nebraska, and congratulates him on his retirement.

2. That a copy of this resolution be sent to Jay Templar.

Laid over.

**LEGISLATIVE RESOLUTION 254.** Introduced by Linehan, 39.

WHEREAS, Douglas County West (DC West) Middle School, located in Waterloo, has a noteworthy Robotics Team; and

WHEREAS, the DC West Robotics Team is led by Dan Maline, a 7th grade math, pre-algebra, and algebra teacher; and

WHEREAS, the DC West Robotics Team 5233D (Falcon Mobil) finished their season at the US Open Championship as US Open Champions; and

WHEREAS, the DC West Robotics Team 5233D (Falcon Mobil) received the first official national championship for the DC West Robotics Team; and

WHEREAS, the DC West Robotics Team 8675A (Fuzzy Wuzzy 2.0) finished the season as State Runner-Up in skills and in the team portion of the Heartland Regionals; and

WHEREAS, the DC West Robotics Team 8675A (Fuzzy Wuzzy 2.0) also competed at the US Open Championships and the VEX World Championships; and

WHEREAS, although the DC West Robotics Team 8675A (Fuzzy Wuzzy 2.0) was eliminated in the quarterfinals of the World Championships, Team 8675A was chosen as one of five robotics teams in the USA to be invited to China during the summer of 2017; 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 extends its congratulations to Dan Maline and the DC West Robotics Team.

2. That a copy of this resolution be sent to DC West Superintendent, Dr. Melissa Poloncic, DC West Middle School Principal, Jeremy Travis, and DC West Robotics Team Coach, Dan Maline.

Laid over.

**LEGISLATIVE RESOLUTION 255.** Introduced by Linehan, 39; Hilkemann, 4; Kolowski, 31.

WHEREAS, the Elkhorn South boys' soccer team, under the leadership of Coach Adam Hooi, won the 2017 Class B Boys' State Championship; and

WHEREAS, Elkhorn South, ranked first in the Class B division, defeated number-two ranked South Sioux City in double overtime with a score of 3-2; and

WHEREAS, Parker Lundgren, Elkhorn South goalie, finished the game with 13 saves, helping his team to win the championship; and

WHEREAS, Elkhorn South team member Hunter Albers scored his 29th team-leading goal of the season to win the game; and

WHEREAS, although Elkhorn South only started its soccer program in 2011, this was the young program's fourth state tournament; and

WHEREAS, the Elkhorn South boys completed a perfect 20-0 season, becoming the third undefeated Class B boys' soccer team in 21 years; 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 extends its congratulations to Coach Adam Hooi and the Elkhorn South boys' soccer team on winning the 2017 Class B Boys' State Soccer Championship.

2. That a copy of this resolution be sent to Elkhorn South High School Principal Mark Kalvoda, Assistant Principal Britnie Cox, and Coach Adam Hooi.

Laid over.

#### **AMENDMENT(S) - Print in Journal**

Senator Larson filed the following amendment to LB632A:  
AM1407

1 1. On page 2, line 1, strike "\$38,548" and insert "\$33,362"; and in  
2 line 6 strike "\$38,548" and insert "\$25,084".

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 251.** Read. Considered.

LR251 was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 10.** With Emergency Clause.

A BILL FOR AN ACT relating to courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska; to increase the number of judges of the separate juvenile court as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

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

Voting in the negative, 3:

Bostelman Erdman Lowe

Present and not voting, 2:

Morfeld Wayne

Excused and not voting, 1:

Lindstrom

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 10A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 10, One Hundred Fifth Legislature, First Session, 2017; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

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

Voting in the negative, 1:

Bostelman

Present and not voting, 5:

Erdman          Groene          Lowe          Morfeld          Wayne

Excused and not voting, 1:

Lindstrom

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB268 with 31 ayes, 5 nays, 12 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 268.**

A BILL FOR AN ACT relating to medical assistance; to amend sections 24-517, 25-2154, 30-2483, 30-3880, 30-3881, 30-3882, 33-109, and 44-371, Reissue Revised Statutes of Nebraska, and sections 52-1004, 68-901, 68-919, 71-605, 77-2018.02, and 77-3903, Revised Statutes Cumulative Supplement, 2016; to change and eliminate provisions relating to court jurisdiction, certain recording fees, and medical assistance reimbursement; to change the Medical Assistance Act as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Baker	Crawford	Hughes	Murante	Vargas
Blood	Ebke	Kolowski	Pansing Brooks	Walz
Bolz	Groene	Kolterman	Quick	Wayne
Brewer	Hansen	Krist	Riepe	Williams
Briese	Harr	Linehan	Scheer	Wishart
Chambers	Hilgers	McCollister	Schumacher	
Clements	Hilkemann	McDonnell	Smith	
Craighead	Howard	Morfeld	Stinner	

Voting in the negative, 11:

Albrecht	Erdman	Halloran	Lowe
Bostelman	Friesen	Kuehn	Watermeier
Brasch	Geist	Larson	

Excused and not voting, 1:

Lindstrom

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 268A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend section 219, Legislative Bill 327, One Hundred Fifth Legislature, First Session, 2017; to reduce appropriations and associated earmarks; to appropriate funds to aid in carrying out the provisions of Legislative Bill 268, One Hundred Fifth Legislature, First Session, 2017; to change an appropriation as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Baker	Crawford	Howard	Morfeld	Smith
Blood	Ebke	Hughes	Murante	Stinner
Bolz	Friesen	Kolowski	Pansing Brooks	Vargas
Brewer	Groene	Kolterman	Quick	Walz
Briese	Hansen	Krist	Riepe	Wayne
Chambers	Harr	McCollister	Scheer	Williams
Craighead	Hilkemann	McDonnell	Schumacher	Wishart

Voting in the negative, 10:

Albrecht	Brasch	Geist	Kuehn	Lowe
Bostelman	Erdman	Halloran	Larson	Watermeier

Present and not voting, 3:

Clements	Hilgers	Linehan
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Excused and not voting, 1:

Lindstrom

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB289 with 31 ayes, 2 nays, 15 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 289.**

A BILL FOR AN ACT relating to law; to amend sections 25-2740, 28-101, 28-311.04, 28-358.01, 28-802, 28-830, 28-831, 28-1206, 29-404.02, 29-422, 42-903, 42-924, 42-925, 43-254, 43-283.01, 43-292.02, 43-1303, 43-1411.01, 43-1609, 43-1611, and 43-2933, Reissue Revised Statutes of Nebraska; to provide for sexual assault protection orders; to define and redefine terms; to change provisions relating to court procedures, penalties for stalking, possession of a deadly weapon by a prohibited person, domestic violence protection orders, and certain arrests; to change provisions relating to pandering, human trafficking, labor trafficking, and sex trafficking; to prohibit solicitation of a trafficking victim; to change and provide penalties; to provide a procedure to renew a protection order; to change provisions relating to paternity of a child conceived as a result of sexual assault; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Lindstrom

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 289A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 289, One Hundred Fifth Legislature, First Session, 2017.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Lindstrom

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB512 with 38 ayes, 4 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 512.** With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 79-319, 79-746, 79-1065, 79-10,141, 79-1108.02, 79-1144, 85-173, 85-174, 85-308, 85-917, 85-933, 85-949, 85-2401, 85-2403, and 85-2405, Reissue Revised Statutes of Nebraska, and sections 9-812, 77-3442, 79-237, 79-2,144, 79-1003, 79-1007.11, 79-1017.01, 79-1028.01, 79-1054, and 85-502.01, Revised Statutes Cumulative Supplement, 2016; to adopt the Student Online



Personal Protection Act; to provide requirements for public school districts relating to swimming activities; to eliminate the Education Innovation Fund; to change provisions related to the Nebraska Education Improvement Fund; to provide for voluntary termination incentives; to change exceptions to levy limitations and budget limitations for new voluntary termination incentives; to change provisions relating to option enrollment; to change a deadline for the state school security director; to transfer duties and eliminate the State Board of Vocational Education; to define and redefine terms; to eliminate the best practices allowance and best practices aid; to provide for adjustments of federal funding for school districts; to change provisions relating to grants under the Summer Food Service Program; to provide for repayment of federal funds; to change and eliminate provisions relating to educational institutions ceasing to function; to change residency provisions for veterans and their spouses and dependents and other eligible persons; to provide duties for the Coordinating Commission for Postsecondary Education; to create a fund; to assess for-profit postsecondary institutions; to require bonds or other security agreements; to authorize claims resulting from the termination of operations; to allow for advertising as prescribed; to require a report; to eliminate the Council on Student Attendance; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 79-321, 79-527.01, 79-738, 79-739, 79-740, 79-741, 79-742, 79-743, 79-744, and 85-175, Reissue Revised Statutes of Nebraska, and section 79-1004, Revised Statutes Cumulative Supplement, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Albrecht

Excused and not voting, 1:

Lindstrom

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 512A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations and associated earmarks as prescribed; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Albrecht      Howard

Excused and not voting, 1:

Lindstrom

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 519.**

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-652, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to employer experience accounts and reimbursement accounts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Erdman        Lowe

Excused and not voting, 1:

Lindstrom

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 578.**

A BILL FOR AN ACT relating to health care; to amend section 68-901, Revised Statutes Cumulative Supplement, 2016; to adopt the Ground Emergency Medical Transport Act; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Baker	Ebke	Howard	Morfeld	Walz
Blood	Friesen	Hughes	Murante	Watermeier
Bolz	Geist	Kolowski	Pansing Brooks	Wayne
Bostelman	Groene	Kolterman	Quick	Williams
Brewer	Halloran	Krist	Scheer	Wishart
Briese	Hansen	Larson	Schumacher	
Chambers	Harr	Linehan	Smith	
Craighead	Hilgers	McCollister	Stinner	
Crawford	Hilkemann	McDonnell	Vargas	

Voting in the negative, 0.

Present and not voting, 7:

Albrecht	Clements	Kuehn	Riepe
Brasch	Erdman	Lowe	

Excused and not voting, 1:

Lindstrom

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 578A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 578, One Hundred Fifth Legislature, First Session, 2017.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Baker	Ebke	Howard	Morfeld	Walz
Blood	Friesen	Hughes	Murante	Watermeier
Bolz	Geist	Kolowski	Pansing Brooks	Wayne
Bostelman	Groene	Kolterman	Quick	Williams
Brewer	Halloran	Krist	Scheer	Wishart
Briese	Hansen	Larson	Schumacher	
Chambers	Harr	Linehan	Smith	
Craighead	Hilgers	McCollister	Stinner	
Crawford	Hilkemann	McDonnell	Vargas	

Voting in the negative, 1:

Erdman

Present and not voting, 6:

Albrecht	Clements	Lowe
Brasch	Kuehn	Riepe

Excused and not voting, 1:

Lindstrom

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 647.** With Emergency Clause.

A BILL FOR AN ACT relating to judges' salaries; to amend section 24-201.01, Reissue Revised Statutes of Nebraska; to change judges' salaries; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

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

Voting in the negative, 1:

Groene

Present and not voting, 5:

Chambers	Ebke	Erdman	Howard	Lowe
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Excused and not voting, 1:

Lindstrom

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION(S) - Return LB647A to Select File**

Senator Chambers moved to return LB647A to Select File for the following specific amendment:

FA79

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 647A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 647, One Hundred Fifth Legislature, First Session, 2017; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

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

Voting in the negative, 1:

Groene

Present and not voting, 2:

Ebke            Krist

Excused and not voting, 4:

Brewer        Lindstrom    Lowe            Watermeier

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 10, 10A, 268, 268A, 289, 289A, 512, 512A, 519, 578, 578A, 647, 647A, and LR251.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 333.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 256.** Introduced by McDonnell, 5.

WHEREAS, the City of Lincoln's Fire and Rescue Department has saved 14 people from death or injury by fire within two months of 2017; and

WHEREAS, Lincoln has not experienced an unusual uptick in the number of fires in 2017, but has experienced more instances where rescue was required; and

WHEREAS, these rescues are thanks to the hard work, bravery, and many hours of training and work by Lincoln's first responders; and

WHEREAS, Lincoln Fire and Rescue stands ready to assist the community whenever the need arises.

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

1. That the Legislature expresses its gratitude to Lincoln Fire and Rescue for their service to the City of Lincoln and its residents.
2. That the Legislature recognizes the dedication and bravery of the members of Lincoln Fire and Rescue.
3. That a copy of this resolution be sent to Lincoln Fire and Rescue and Chief Micheal Despain.

Laid over.

**LEGISLATIVE RESOLUTION 257.** Introduced by Chambers, 11.

WHEREAS, President Donald Trump has behaved, and continues to behave, in a dangerously problematic and erratic manner such that the safety and welfare of the United States and its residents are being placed at ongoing grave risk; and

WHEREAS, the Twenty-Fifth Amendment to the Constitution of the United States provides:

SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

SECTION 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

SECTION 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

SECTION 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

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

1. That the Legislature solemnly petitions the appropriate officials, pursuant to and in conformity with the Twenty-Fifth Amendment to the Constitution of the United States, to invoke the provisions of such Amendment in order to determine whether the actions and conduct of President Donald Trump establish that he is "unable to discharge the powers and duties of his office," and consequently, "the Vice President shall immediately assume the powers and duties of the office as Acting President."

2. That a copy of this resolution be sent to the Vice President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, and each member of Nebraska's congressional delegation.

Laid over.



**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR257 was referred to the Reference Committee.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Erdman name added to LR242.

**VISITORS**

Visitors to the Chamber were 42 fourth- through sixth-grade students from Dorchester Public School.

**ADJOURNMENT**

At 4:12 p.m., on a motion by Senator Blood, the Legislature adjourned until 9:00 a.m., Wednesday, May 17, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTY-FOURTH DAY - MAY 17, 2017**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION**

**EIGHTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 17, 2017

**PRAYER**

The prayer was offered by Pastor Steve Davenport, Calvary Community Church, Lincoln.

**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, Groene, Larson, McCollister, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-third day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 16, 2017, at 4:17 p.m. were the following: LBs 10e, 10Ae, 268, 268Ae, 289, 289A, 512e, 512Ae, 519, 578, 578A, 647e, and 647Ae.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 152, 165, 244, and 246 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 152, 165, 244, and 246.

**GENERAL FILE**

**LEGISLATIVE BILL 632A.** Title read. Considered.

Senator Wayne offered the Larson amendment, AM1407, found on page 1571.

The Larson amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

**MOTION(S) - Override Line-Item Veto on LB327**

Senator Stinner offered the Appropriations Committee motion, MO141, found on page 1567, to override the Governor's line-item veto of LB327, Section 19, Agency 05, the Supreme Court, Program 067, Probation Services.

Senator Stinner moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Stinner requested a roll call vote on the motion to override the Governor's line-item veto.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 23:

Baker	Ebke	Krist	Quick	Wayne
Blood	Hansen	McCollister	Schumacher	Williams
Bolz	Harr	McDonnell	Stinner	Wishart
Chambers	Howard	Morfeld	Vargas	
Crawford	Kolowski	Pansing Brooks	Walz	

Voting in the negative, 25:

Albrecht	Clements	Groene	Kuehn	Murante
Bostelman	Craighead	Halloran	Larson	Riepe
Brasch	Erdman	Hilgers	Lindstrom	Scheer
Brewer	Friesen	Hilkemann	Linehan	Smith
Briese	Geist	Hughes	Lowe	Watermeier

Present and not voting, 1:

Kolterman

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

**MOTION(S) - Override Line-Item Veto on LB327**

Senator Stinner offered the Appropriations Committee motion, MO143, found on page 1568, to override the Governor's line-item veto of LB327, Section 97, Agency 25, Department of Health and Human Services, Program 038, Behavioral Health Aid.

Section 104, Agency 25, Department of Health and Human Services, Program 348, Medical Assistance.

Section 110, Agency 25, Department of Health and Human Services, Program 424, Developmental Disability Aid.

**SPEAKER SCHEER PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Senator Bolz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Senator Stinner moved for a call of the house. The motion prevailed with 41 ayes, 5 nays, and 3 not voting.

Senator Bolz requested a roll call vote, in reverse order, on the motion to override the Governor's line-item veto.

Whereupon the President stated: "The question shall be, 'Shall those portions of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 27:

Baker	Hansen	Krist	Riepe	Wayne
Blood	Harr	McCollister	Scheer	Williams
Bolz	Hilkemann	McDonnell	Schumacher	Wishart
Chambers	Howard	Morfeld	Stinner	
Crawford	Kolowski	Pansing Brooks	Vargas	
Ebke	Kolterman	Quick	Walz	

Voting in the negative, 21:

Albrecht	Clements	Halloran	Lindstrom	Watermeier
Bostelman	Erdman	Hilgers	Linehan	
Brasch	Friesen	Hughes	Lowe	
Brewer	Geist	Kuehn	Murante	
Briese	Groene	Larson	Smith	

Excused and not voting, 1:

Craighead

Having failed to receive a constitutional three-fifths majority voting in the affirmative, those portions of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

**MOTION(S) - Override Line-Item Veto on LB327**

Senator McCollister offered his motion, MO144, found on page 1568, to override the Governor's line-item veto of LB327, Section 21, Agency 05, the Supreme Court, Program 420, State Specialized Court Operations.

Pending.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR257	Government, Military and Veterans Affairs

(Signed) Dan Watermeier, Chairperson  
Executive Board

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 632A.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 258.** Introduced by Riepe, 12.

WHEREAS, Dee Huff, following a six-year battle with cancer, passed away on May 16, 2017; and

WHEREAS, Dee served as a children's librarian at Ralston's Baright Public Library for 15 years; and

WHEREAS, Dee served for six years on the Ralston Public Schools' Board of Education; and

WHEREAS, Dee was an active volunteer for the Ralston Schools Foundation; and

WHEREAS, Dee dedicated her life to encouraging children to find their love of reading; and

WHEREAS, Dee volunteered for Project Pink'd, an organization dedicated to helping breast cancer survivors in Nebraska and Western Iowa; and

WHEREAS, Dee is survived by her husband Bill and three children, all of whom are graduates of Ralston Public Schools.

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

1. That the Legislature extends its sympathy to the family of Dee Huff and expresses its gratitude for her service to the community of Ralston and for her dedication to promoting youth reading.

2. That a copy of this resolution be sent to the family of Dee Huff.

Laid over.

### COMMITTEE REPORT(S)

Judiciary

**LEGISLATIVE RESOLUTION 151.** Reported to the Legislature for further consideration.

(Signed) Laura Ebke, Chairperson

Executive Board

**LEGISLATIVE RESOLUTION 127.** Reported to the Legislature for further consideration with the following amendment:

AM1417

1 1. Strike the RESOLVED clauses and insert the following new RESOLVED  
2 clauses:

3 1. That the Legislature hereby calls for the Executive Board of the  
4 Legislative Council to meet forthwith and appoint a special committee of  
5 the Legislature to be known as the Nebraska Justice System Special  
6 Oversight Committee of the Legislature. The committee shall consist of  
7 the chairperson of the Judiciary Committee of the Legislature who shall  
8 serve as the chairperson of the Nebraska Justice System Special Oversight  
9 Committee and six members of the Legislature appointed by the Executive  
10 Board. The Executive Board is hereby authorized to provide the committee  
11 with a legal counsel, committee clerk, and other staff as required by the  
12 committee from existing legislative staff, including the office of Public  
13 Counsel and the office of Inspector General of the Nebraska Correctional  
14 System. The Executive Board is also authorized to hire outside legal  
15 counsel, consultants, and investigators as required by the committee.

16 2. That the Nebraska Justice System Special Oversight Committee of

17 the Legislature is hereby authorized to study programs and policies  
18 relating to the adult justice system implemented and followed by the  
19 Department of Correctional Services, Office of Parole Administration,  
20 Board of Parole, Nebraska Commission on Law Enforcement and Criminal  
21 Justice, and Office of Probation Administration.  
22 3. That the Nebraska Justice System Special Oversight Committee of  
23 the Legislature shall brief the Judiciary and Appropriations Committees  
24 of the Legislature by December 15, 2017, and December 15, 2018, and issue  
25 a report with its findings and recommendations to the Legislature as  
26 circumstances warrant.  
27 4. That the Nebraska Justice System Special Oversight Committee of  
1 the Legislature is hereby authorized to continue its work until the  
2 beginning of the One Hundred Sixth Legislature, First Session.

(Signed) Dan Watermeier, Chairperson

#### **MOTION(S) - Print in Journal**

Senator Scheer filed the following motion:

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.

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Hansen name added to LR151.

#### **VISITORS**

Visitors to the Chamber were 80 fourth-grade students from Manchester Elementary, Omaha; and Tim Stilmock and Hannah Esch from Syracuse.

#### **RECESS**

At 11:50 a.m., on a motion by Senator Hansen, the Legislature recessed until 1:30 p.m.

#### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.



**ROLL CALL**

The roll was called and all members were present except Senators Linehan and Wayne who were excused until they arrive.

**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.

Cameron Arch - Nebraska Commission on Problem Gambling  
Matthew Monheiser - Nebraska Commission on Problem Gambling  
Robert L. Muelleman - Nebraska Commission on Problem Gambling

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.

Bruce D. Bailey - Nebraska Liquor Control Commission

Aye: 7 Blood, Brasch, Krist, Larson, Quick, Riepe, Wayne. Nay: 0. Absent: 0. Present and not voting: 1 Harr.

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.

Thomas Patterson - 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

**MOTION(S) - Override Line-Item Veto on LB327**

Senator McCollister renewed his motion, MO144, found on page 1568 and considered in this day's Journal, to override the Governor's line-item veto of LB327, Section 21, Agency 05, the Supreme Court, Program 420, State Specialized Court Operations.

Senator McCollister withdrew his motion to override the Governor's line-item veto.

**MOTION(S) - Override Line-Item Veto on LB327**

Senator Crawford offered her motion, MO145, found on page 1568, to override the Governor's line-item veto of LB327, Section 106, Agency 25, Department of Health and Human Services, Program 354, Child Welfare.

Senator Crawford withdrew her motion to override the Governor's line-item veto.

**MOTION(S) - Override Line-Item Veto on LB327**

Senator Krist offered his motion, MO146, found on page 1568, to override the Governor's line-item veto of LB327, Section 23, Agency 05, the Supreme Court, Program 437, Juvenile Justice.

Senator Krist withdrew his motion to override the Governor's line-item veto.

**MOTION(S) - Override Line-Item Veto on LB327**

Senator Morfeld offered his motion, MO147, found on page 1568, to override the Governor's line-item veto of LB327, Section 173, Agency 51, University of Nebraska, Program 781, University Administration.

Senator Morfeld withdrew his motion to override the Governor's line-item veto.

**MOTION(S) - Override Line-Item Veto on LB327**

Senator Bolz offered the following motion to LB327:

MO149

Override the Governor's line-item veto in Section 104, Agency 25, Department of Health and Human Services, Program 348, Medical Assistance.

Senator Bolz withdrew her motion to override the Governor's line-item veto.

**MOTION(S) - Override Line-Item Veto on LB327**

Senator Bolz offered the following motion to LB327:

MO150

Override the Governor's line-item veto in Section 97, Agency 25, Department of Health and Human Services, Program 038, Behavioral Health Aid.

Senator Bolz withdrew her motion to override the Governor's line-item veto.

**MOTION(S) - Override Line-Item Veto on LB327**

Senator Krist offered the following motion to LB327:

MO151

Override the Governor's line-item veto in Section 110, Agency 25, Department of Health and Human Services, Program 424, Developmental Disability Aid.

Senator Krist moved for a call of the house. The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Senator Krist requested a roll call vote on the motion to override the Governor's line-item veto.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 27:

Baker	Ebke	Kolterman	Quick	Wayne
Blood	Hansen	Krist	Scheer	Williams
Bolz	Harr	McCollister	Schumacher	Wishart
Chambers	Hilkemann	McDonnell	Stinner	
Craighead	Howard	Morfeld	Vargas	
Crawford	Kolowski	Pansing Brooks	Walz	

Voting in the negative, 21:

Albrecht	Clements	Halloran	Lindstrom	Watermeier
Bostelman	Erdman	Hilgers	Linehan	
Brasch	Friesen	Hughes	Lowe	
Brewer	Geist	Kuehn	Murante	
Briese	Groene	Larson	Smith	

Excused and not voting, 1:

Riepe

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**  
Education

**LEGISLATIVE RESOLUTION 98.** Reported to the Legislature for further consideration.

(Signed) Mike Groene, Chairperson

## Transportation and Telecommunications

The Transportation and Telecommunications 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 Dinsdale - Motor Vehicle Industry Licensing Board  
Steven Hinchcliff - Motor Vehicle Industry Licensing Board

Aye: 6 Briese, Friesen, Geist, Hilgers, Hughes, Smith. Nay: 0. Absent: 1 Murante. Present and not voting: 1 Bostelman.

(Signed) Curt Friesen, Chairperson

## 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.

Kyle Klammer - Nebraska Rural Health Advisory Commission

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.

Joel Bessmer - State Board of Health

Aye: 7 Crawford, Erdman, Howard, Kolterman, Linehan, Riepe, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Merv Riepe, Chairperson

## Business and Labor

The Business and Labor 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.

Gerald Whitlock - Boiler Safety Code Advisory Board

Aye: 7 Albrecht, Chambers, Crawford, Halloran, Hansen, Howard, Lowe. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Joni Albrecht, Chairperson

## Education

The Education 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.

Stan Carpenter - Nebraska Educational Telecommunications Commission  
Marilyn Hadley - Nebraska Educational Telecommunications Commission  
Clay Smith - Nebraska Educational Telecommunications Commission

Aye: 7 Ebke, Erdman, Groene, Kolowski, Linehan, Pansing Brooks, Walz.  
Nay: 0. Absent: 1 Morfeld. Present and not voting: 0.

The Education 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.

Cindy Gray - Technical Advisory Committee for Statewide Assessment

Aye: 7 Ebke, Erdman, Groene, Kolowski, Linehan, Pansing Brooks, Walz.  
Nay: 0. Absent: 1 Morfeld. Present and not voting: 0.

The Education 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.

Jerald Meyer - Board of Educational Lands and Funds

Aye: 7 Ebke, Erdman, Groene, Kolowski, Linehan, Pansing Brooks, Walz.  
Nay: 0. Absent: 1 Morfeld. Present and not voting: 0.

The Education 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.

Gary Bieganski - Board of Trustees of the Nebraska State Colleges  
Carter Peterson - Board of Trustees of the Nebraska State Colleges

Aye: 7 Ebke, Erdman, Groene, Kolowski, Linehan, Pansing Brooks, Walz.  
Nay: 0. Absent: 1 Morfeld. Present and not voting: 0.

(Signed) Mike Groene, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 259.** Introduced by Brewer, 43.

WHEREAS, Chadron Public Schools has many accomplishments to celebrate as the school year comes to a close; and

WHEREAS, Dr. Caroline Winchester was named the Nebraska Rural Community Schools Association Superintendent of the Year; and

WHEREAS, Chadron High School teacher Willie Uhing was named the 2017 recipient of the Freda Battey Distinguished Educator Award for Excellence in Teaching; and

WHEREAS, under the leadership of principal Jerry Mack, Chadron High School achieved the highest state test scores in the school's history, including the 3rd highest reading scores and the 5th highest writing scores among all Nebraska high schools; and

WHEREAS, the school's ACT scores were the highest in four years; and

WHEREAS, senior Walt Mays scored a perfect 36 on the ACT and was named a National Merit Scholarship Finalist; and

WHEREAS, Brenna Hawthorne won the Nebraska Association of Resources Districts art poster contest; and

WHEREAS, 26 students qualified for the State FFA Convention, one team was a national qualifier, and multiple students finished with high rankings; and

WHEREAS, at the Chadron State College Scholastic Day contest, five students won first places, multiple students finished in the top ten, and the team ranked second overall; and

WHEREAS, nine students were Future Business Leaders of America national qualifiers and other students finished the state competition with high rankings; and

WHEREAS, four students qualified for the National History Day contest; and

WHEREAS, 33 of 58 seniors were awarded a Presidential Award of Educational Excellence, the most ever for Chadron High School; and

WHEREAS, the senior class received over \$100,000 in scholarships, more than any previous class; and

WHEREAS, US News & World Report ranked Chadron High School as the fifth-best high school in Nebraska and awarded Chadron High School two silver and one bronze rankings in the last four years; and

WHEREAS, Chadron High School was ranked as one of the Best High Schools in Nebraska by k12.niche.com.

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

1. That the Legislature congratulates Chadron Public Schools for these accomplishments.

2. That copies of this resolution be sent to Dr. Caroline Winchester, Jerry Mack, Willie Uhing, Walt Mays, and Brenna Hawthorne.

Laid over.

**MOTION(S) - Override Line-Item Veto on LB327**

Senator Krist offered the following motion to LB327:

MO152

Override the Governor's line-item veto in Section 106, Agency 25, Department of Health and Human Services, Program 354, Child Welfare and Section 110, Agency 25, Department of Health and Human Services, Program 424, Developmental Disability Aid.

Senator Krist withdrew his motion to override the Governor's line-item veto.

**MOTION(S) - Override Line-Item Veto on LB327**

Senator Chambers offered the following motion to LB327:

MO153

Override the Governor's line-item veto in Section 106, Agency 25, Department of Health and Human Services, Program 354, Child Welfare.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Chambers requested a roll call vote on the motion to override the Governor's line-item veto.

**SPEAKER SCHEER PRESIDING**

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 19:

Baker	Hansen	McCollister	Quick	Walz
Bolz	Harr	McDonnell	Scheer	Wayne
Crawford	Howard	Morfeld	Schumacher	Wishart
Ebke	Kolowski	Pansing Brooks	Vargas	

Voting in the negative, 23:

Albrecht	Clements	Groene	Kuehn	Smith
Bostelman	Craighead	Halloran	Lindstrom	Watermeier
Brasch	Erdman	Hilgers	Linehan	Williams
Brewer	Friesen	Hughes	Lowe	
Briese	Geist	Kolterman	Murante	

Present and not voting, 4:

Chambers	Hilkemann	Riepe	Stinner
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Excused and not voting, 3:

Blood Krist Larson

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

**MOTION(S) - Reconsider Action on LB327**

Senator Chambers offered the following motion to LB327:

MO154

Reconsider the vote on the motion, MO153, to override the Governor's line-item veto.

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

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

Voting in the affirmative, 16:

Baker	Hansen	Morfeld	Vargas
Bolz	Howard	Pansing Brooks	Walz
Chambers	Kolowski	Quick	Wayne
Crawford	McDonnell	Schumacher	Wishart

Voting in the negative, 26:

Albrecht	Craighead	Hilgers	Linehan	Watermeier
Bostelman	Erdman	Hilkemann	Lowe	Williams
Brasch	Friesen	Hughes	Murante	
Brewer	Geist	Kolterman	Riepe	
Briese	Groene	Kuehn	Scheer	
Clements	Halloran	Lindstrom	Smith	

Present and not voting, 2:

Ebke Harr

Excused and not voting, 5:

Blood Krist Larson McCollister Stinner

The Chambers motion to reconsider failed with 16 ayes, 26 nays, 2 present and not voting, and 5 excused and not voting.



**VISITORS**

Visitors to the Chamber were Willie Hamilton from North Omaha; 35 third and fourth-grade students from Palmer Public; and Cathy Harden from North Platte.

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

**ADJOURNMENT**

At 5:21 p.m., on a motion by Senator Walz, the Legislature adjourned until 9:00 a.m., Thursday, May 18, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTY-FIFTH DAY - MAY 18, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**EIGHTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 18, 2017

**PRAYER**

The prayer was offered by Senator Williams.

**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 Senators Ebke, Harr, McCollister, Morfeld, Murante, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-fourth day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of May 17, 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

Hall, Jared  
Nebraska Friends of Midwives (Withdrawn 05/11/2017)

**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>

**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 1596:

Boiler Safety Code Advisory Board  
Gerald Whitlock

Voting in the affirmative, 34:

Albrecht	Crawford	Howard	Lowe	Smith
Baker	Erdman	Hughes	McDonnell	Sinner
Blood	Friesen	Kolowski	Pansing Brooks	Walz
Bostelman	Geist	Kolterman	Quick	Watermeier
Brewer	Groene	Krist	Riepe	Williams
Chambers	Halloran	Larson	Scheer	Wishart
Clements	Hansen	Linehan	Schumacher	

Voting in the negative, 0.

Present and not voting, 9:

Bolz	Briese	Hilgers	Kuehn	Vargas
Brasch	Craighead	Hilkemann	Lindstrom	

Excused and not voting, 6:

Ebke	McCollister	Murante
Harr	Morfeld	Wayne

The appointment was confirmed with 34 ayes, 0 nays, 9 present and not voting, and 6 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 1597:

Nebraska Educational Telecommunications Commission  
Stan Carpenter  
Marilyn Hadley  
Clay Smith

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 3:

Clements	Hansen	Lindstrom
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Excused and not voting, 3:

Ebke	Murante	Wayne
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The appointments were confirmed with 43 ayes, 0 nays, 3 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 1597:

Board of Trustees of the Nebraska State Colleges  
 Gary Bieganski  
 Carter Peterson

Voting in the affirmative, 41:

Albrecht	Craighead	Hughes	McDonnell	Vargas
Baker	Crawford	Kolowski	Morfeld	Walz
Blood	Erdman	Kolterman	Pansing Brooks	Watermeier
Bolz	Friesen	Krist	Quick	Williams
Brasch	Geist	Kuehn	Riepe	Wishart
Brewer	Groene	Lindstrom	Scheer	
Briese	Hansen	Linehan	Schumacher	
Chambers	Hilgers	Lowe	Smith	
Clements	Hilkemann	McCollister	Stinner	

Voting in the negative, 0.

Present and not voting, 5:

Bostelman	Halloran	Harr	Howard	Larson
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Excused and not voting, 3:

Ebke Murante Wayne

The appointments were confirmed with 41 ayes, 0 nays, 5 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 1597:

Board of Educational Lands and Funds  
Jerald Meyer

Voting in the affirmative, 39:

Albrecht	Chambers	Howard	Linehan	Smith
Baker	Clements	Hughes	Lowe	Stinner
Blood	Crawford	Kolowski	Morfeld	Vargas
Bolz	Erdman	Kolterman	Pansing Brooks	Walz
Bostelman	Friesen	Krist	Quick	Watermeier
Brasch	Groene	Kuehn	Riepe	Williams
Brewer	Hansen	Larson	Scheer	Wishart
Briese	Hilkemann	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 7:

Craighead	Halloran	Hilgers	McDonnell
Geist	Harr	McCollister	

Excused and not voting, 3:

Ebke Murante Wayne

The appointment was confirmed with 39 ayes, 0 nays, 7 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 1597:

Technical Advisory Committee for Statewide Assessment  
Cindy Gray

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 3:

Briese	Geist	Harr
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Excused and not voting, 3:

Ebke	Murante	Wayne
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The appointment was confirmed with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1593:

Nebraska Commission on Problem Gambling

Cameron Arch

Matthew Monheiser

Robert L. Muelleman

Voting in the affirmative, 40:

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

Voting in the negative, 0.

Present and not voting, 6:

Briese	Groene	Lindstrom
Geist	Harr	Morfeld

Excused and not voting, 3:

Ebke            Murante            Wayne

The appointments were confirmed with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1593:

Nebraska Liquor Control Commission  
Bruce D. Bailey

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 3:

Brasch            Briese            Harr

Excused and not voting, 3:

Ebke            Murante            Wayne

The appointment was confirmed with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1593:

State Racing Commission  
Thomas Patterson

Voting in the affirmative, 43:



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

Voting in the negative, 0.

Present and not voting, 3:

Albrecht      Bostelman      Chambers

Excused and not voting, 3:

Ebke            Murante          Wayne

The appointment was confirmed with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1596:

Nebraska Rural Health Advisory Commission  
Kyle Klammer

Voting in the affirmative, 40:

Albrecht	Chambers	Hilkemann	Lindstrom	Schumacher
Baker	Crawford	Howard	Linehan	Smith
Blood	Friesen	Hughes	Lowe	Stinner
Bolz	Geist	Kolowski	McDonnell	Vargas
Bostelman	Groene	Kolterman	Pansing Brooks	Walz
Brasch	Hansen	Krist	Quick	Watermeier
Brewer	Harr	Kuehn	Riepe	Williams
Briese	Hilgers	Larson	Scheer	Wishart

Voting in the negative, 0.

Present and not voting, 6:

Clements      Erdman            McCollister  
Craighead      Halloran          Morfeld

Excused and not voting, 3:

Ebke Murante Wayne

The appointment was confirmed with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1596:

State Board of Health  
Joel Bessmer

Voting in the affirmative, 40:

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

Voting in the negative, 0.

Present and not voting, 8:

Brasch	Harr	Lindstrom	Vargas
Briese	Hughes	Linehan	Wishart

Excused and not voting, 1:

Wayne

The appointment was confirmed with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Senator Friesen moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1596:

Motor Vehicle Industry Licensing Board  
Thomas Dinsdale  
Steven Hinchcliff

Voting in the affirmative, 34:

Albrecht	Craighead	Hilkemann	Linehan	Scheer
Baker	Crawford	Howard	Lowe	Schumacher
Blood	Ebke	Hughes	McCollister	Smith
Bolz	Erdman	Kolowski	McDonnell	Sinner
Brasch	Friesen	Krist	Morfeld	Walz
Chambers	Geist	Kuehn	Quick	Watermeier
Clements	Hansen	Larson	Riepe	

Voting in the negative, 0.

Present and not voting, 14:

Bostelman	Groene	Hilgers	Murante	Williams
Brewer	Halloran	Kolterman	Pansing Brooks	Wishart
Briese	Harr	Lindstrom	Vargas	

Excused and not voting, 1:

Wayne

The appointments were confirmed with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

### **COMMITTEE REPORT(S)**

Business and Labor

The Business and Labor Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Dallas Jones - Commission of Industrial Relations

Aye: 5 Albrecht, Chambers, Crawford, Halloran, Lowe. Nay: 0. Absent: 0. Present and not voting: 2 Hansen, Howard.

(Signed) Joni Albrecht, Chairperson

### **MOTION(S) - Return LB72 to Select File**

Senator Blood moved to return LB72 to Select File for the following specific amendment:

FA80

Strike the enacting clause.

Senator Blood withdrew her motion to return.

**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 72.**

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-402, Reissue Revised Statutes of Nebraska; to change provisions relating to cities and villages filing for bankruptcy; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Albrecht	Ebke	Hilkemann	McDonnell	Stinner
Baker	Erdman	Hughes	Morfeld	Walz
Bolz	Friesen	Kolowski	Murante	Watermeier
Bostelman	Geist	Kolterman	Pansing Brooks	Williams
Brasch	Groene	Kuehn	Quick	Wishart
Brewer	Halloran	Larson	Riepe	
Briese	Hansen	Lindstrom	Scheer	
Chambers	Harr	Linehan	Schumacher	
Clements	Hilgers	Lowe	Smith	

Voting in the negative, 4:

Blood	Craighead	Krist	Vargas
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Present and not voting, 3:

Crawford	Howard	McCollister
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Excused and not voting, 1:

Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB333 with 43 ayes, 2 nays, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 333.** With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 83-1202, 83-1209, 83-1212.01, and 83-1216, Reissue Revised Statutes of Nebraska, and sections 71-1107, 71-1108.01, and 83-1201, Revised Statutes Cumulative Supplement, 2016; to provide, change, and eliminate definitions for the Developmental Disabilities Court-Ordered Custody Act; to restate legislative intent; to change powers and duties of the Director of Developmental Disabilities of the Division of Developmental Disabilities, of such division, and the Advisory Committee on Developmental Disabilities; to change the membership of the advisory committee; to change provisions relating to eligibility for services and funding for services under the Developmental Disabilities Services Act; to provide for a quality management and improvement plan; to eliminate quality review teams; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-1113 and 83-1213, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION(S) - Return LB415 to Select File**

Senator Chambers moved to return LB415 to Select File for the following specific amendment:

FA81

Add new section: "This bill will not again appear on Final Reading."

Senator Chambers withdrew his motion to return.

Senator Linehan moved to return LB415 to Select File for the following specific amendment:

FA82

Strike the enacting clause.

Senator Linehan withdrew her motion to return.

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB415 with 45 ayes, 1 nay, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 415.** With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2308.01, 23-2315.01, 23-2323.01, 23-2334, 24-701, 24-708, 24-710.01, 24-710.04, 24-710.15, 79-921, 79-926, 79-933.08, 79-951, 79-958, 81-2025, 81-2034, 84-1301, 84-1309.02, 84-1319, 84-1323.01, and 84-1325, Reissue Revised Statutes of Nebraska, and sections 2-3228, 12-101, 14-567, 14-1805.01, 14-2111, 15-1017, 16-1017, 16-1037, 19-3501, 23-1118, 23-2301, 23-2317, 23-3526, 71-1631.02, 79-902, 79-904.01, 79-931, 79-934, 79-954, 79-978, 79-978.01, 79-987, 79-992, 79-9,100.01, 79-9,105, 81-2014, 84-304, 84-304.02, and 84-1503, Revised Statutes Cumulative Supplement, 2016; to change duties and provisions relating to annual reporting requirements for certain retirement plans as prescribed; to define and redefine terms; to provide and change duties for the Auditor of Public Accounts and the Public Employees Retirement Board; to change disability retirement application and medical examination provisions as prescribed; to eliminate a requirement to provide tax information to county and state employees; to change provisions relating to authorized benefit elections, actuarial assumptions, military service credit, prior service retirement benefit payments, purchase of service credit for certain school employees, and retirement application timeframes for judges and state patrol officers as prescribed; to change notification requirements and provide a duty for certification; to change certain annuity and disability benefit provisions; to

provide duties for certain school districts; to provide penalties as prescribed; to eliminate obsolete provisions; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal sections 79-918 and 79-923, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 415A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 415, One Hundred Fifth Legislature, First Session, 2017; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Linehan          Stinner          Walz

Excused and not voting, 1:

Wayne

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB644 with 45 ayes, 1 nay, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 644.**

A BILL FOR AN ACT relating to government; to amend sections 2-3815, 32-204, 38-2701, 38-2703, 44-5224, 44-5230, 44-5255, 44-5258, 44-5266, 60-4,105, 60-4,118, 60-4,118.03, 68-949, and 71-457, Reissue Revised Statutes of Nebraska, and sections 2-301, 60-4,114, 60-4,146, 68-909, and 68-1108, Revised Statutes Cumulative Supplement, 2016; to provide, change, and eliminate powers and duties relating to the Department of Agriculture, the Department of Health and Human Services, the Department of Insurance, the Department of Motor Vehicles, and the Director of Natural Resources; to provide for a transfer of funds; to eliminate the community gardens task force, the advisory committee for value-added agricultural promotion and development, the Carbon Sequestration Advisory Committee, the Perfusionist Committee, the Nebraska Small Employer Health Reinsurance Program, the Nebraska Exchange Stakeholder Commission, the Nebraska Exchange Transparency Act, the Intergenerational Poverty Task Force, the Health Advisory Board, the Medicaid Reform Council, the Aging Nebraskans Task Force, the Nursing



Home Advisory Council, the Health Care Transparency Act, the Health Care Data Base Advisory Committee, and a technical advisory committee to the State Records Board; to change and eliminate definitions; to change provisions relating to certain appeals under the Motor Vehicle Operator's License Act; to eliminate programs, councils, committees, and cash funds; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-5301, 2-5302, 2-5303, 2-5305, 2-5306, 38-2712, 44-5231, 44-5246, 44-5248, 44-5251, 44-5261, 44-5263, 60-4,118.02, 60-4,118.04, 68-948, 71-6043, 71-6044, 71-6045, 71-6046, 71-6047, 71-6048, 71-6049, 71-6050, 71-6051, 71-6052, and 84-1205.01, Reissue Revised Statutes of Nebraska, and sections 2-305, 44-8701, 44-8702, 44-8703, 44-8704, 44-8705, 44-8706, 50-429, 50-430, 50-431, 50-432, 50-433, 68-1107, 68-1109, 68-1110, 71-9201, 71-9202, 71-9203, and 71-9204, Revised Statutes Cumulative Supplement, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 72, 333, 415, 415A, and 644.

**COMMUNICATION(S)**

May 18, 2017

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Ricketts of LB327e, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

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

PJO:jl

May 18, 2017

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Ricketts of LB331e, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

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

PJO:jl

May 18, 2017

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Ricketts of LB330e, and consistent with our rules, I am delivering

the bill for filing in the form and amounts as prescribed by the Governor.

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

PJO:jl

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 95.** Read. Considered.

LR95 was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

**LEGISLATIVE RESOLUTION 151.** Read. Considered.

LR151 was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

**LEGISLATIVE RESOLUTION 127.** Read. Considered.

Committee AM1417, found on page 1591, was offered.

Senator Watermeier moved for a call of the house. The motion prevailed with 35 ayes, 3 nays, and 11 not voting.

The committee amendment was adopted with 26 ayes, 7 nays, 15 present and not voting, and 1 excused and not voting.

Senator Larson requested that a majority of the elected members be required for the adoption of LR127, pursuant to Rule 4, Sec. 5.

Senator Chambers requested a record vote on the adoption of the resolution.

Voting in the affirmative, 28:

Baker	Geist	Hughes	Morfeld	Walz
Blood	Hansen	Kolowski	Pansing Brooks	Watermeier
Bolz	Harr	Kolterman	Quick	Williams
Chambers	Hilgers	Krist	Schumacher	Wishart
Crawford	Hilkemann	McCollister	Stinner	
Ebke	Howard	McDonnell	Vargas	

Voting in the negative, 11:

Brasch	Craighead	Larson	Riepe
Briese	Erdman	Lowe	Scheer
Clements	Kuehn	Murante	

Present and not voting, 9:

Albrecht	Brewer	Groene	Lindstrom	Smith
Bostelman	Friesen	Halloran	Linehan	

Excused and not voting, 1:

Wayne

LR127, as amended, was adopted with 28 ayes, 11 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE RESOLUTION 98.** Read. Considered.

LR98 was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 151, 95, and 98.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 18, 2017, at 11:06 a.m. were the following: LBs 72, 333e, 415e, 415Ae, and 644.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

**AMENDMENT(S) - Print in Journal**

Senator Smith filed the following amendment to LB295:  
AM1420

(Amendments to Standing Committee amendments, AM1418)

1 1. On page 7, line 18, strike "fifty".

Senator Smith filed the following amendment to LB295:  
AM1421

(Amendments to Standing Committee amendments, AM1418)

1 1. On page 10, line 7, strike "seventy" and insert "seventy-five".

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 260.** Introduced by Scheer, 19.

WHEREAS, Ronald D. Witkowski began working for the Nebraska Legislature as an Assistant Sergeant at Arms in January 1997; and

WHEREAS, Ronald D. Witkowski was promoted to acting Sergeant in February 2003 and was first elected Sergeant at Arms in January 2004; and

WHEREAS, Ronald D. Witkowski has served the Nebraska Legislature for 21 years, providing security in the Legislative Chamber and hearing rooms and assisting legislators and the public; and

WHEREAS, Ronald D. Witkowski has managed his staff in an exemplary manner, paying special attention to detail in his management and administrative duties; and

WHEREAS, Ronald D. Witkowski has implemented improvements to provide better security for legislators and staff in the Capitol building, developed a strong working relationship between the legislators and the Nebraska State Patrol, and enhanced the professionalism of his staff; and

WHEREAS, Ronald D. Witkowski retired as a Major from the Nebraska State Patrol in 1996 after 37 years of service; and

WHEREAS, Ronald D. Witkowski served our country in the United States Marine Corps; and

WHEREAS, Ronald D. Witkowski married Susan on July 6, 1963, and they are the parents of four children: Mike, Mark, Jennifer, and Matt; and

WHEREAS, the strength and resiliency of our Legislature depends, in great measure, upon the dedication of people like Ronald D. Witkowski, whose dedication and desire to serve his state is admirable.

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

1. That Ronald D. Witkowski's 58 years of public service to the State of Nebraska and the Nebraska Unicameral Legislature exemplify the highest standards of responsibility, character, and commitment.

2. That the Nebraska Unicameral Legislature honors Ronald D. Witkowski and expresses its deep appreciation for his contributions and service to the State of Nebraska.

Laid over.

**VISITORS**

Visitors to the Chamber were Kevin Andahl and sons, Tyler, Garret, William, and Andrew, from Bellevue, and Mark and Debi Andahl from Omaha; and 30 fourth-grade students from Cody Elementary, Millard.

**ADJOURNMENT**

At 11:33 a.m., on a motion by Senator Groene, the Legislature adjourned until 1:00 p.m., Tuesday, May 23, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature



**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
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Excused and not voting, 2:

Quick	Walz
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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
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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