

**TWENTY-SECOND DAY - FEBRUARY 6, 2018**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION**

**TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 6, 2018

**PRAYER**

The prayer was offered by Pastor Franklin Krause, Ebenezer Congregational 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 Senator Vargas who was excused; and Senators Groene, Hansen, Howard, Kolowski, Lindstrom, Smith, Thibodeau, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-first day was approved.

**MESSAGE(S) FROM THE GOVERNOR**

February 6, 2018

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:

Frederik Ohles, Ph.D., Nebraska Wesleyan University, 5000 St. Paul Avenue,  
Lincoln, NE 68504  
Lisa May, 1008 13 Avenue, Kearney, NE 68845

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

February 6, 2018

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 Commission for the Deaf and Hard of Hearing:

Stacie L. Ray, Au.D., CCC-A, 3740 S. 81 Street, Lincoln, NE 68506  
Jeremy Fitzpatrick, 3605 S. 95 Street, Omaha, NE 68124  
Norman B. Weverka, 2420 31 Road, Brainard, NE 68626  
Diane Schutt, 700 11th Street, Fairbury, NE 68352

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

February 6, 2018

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:

Patricia L. Vannoy, 1223 N. 9th Street, #109, Lincoln, NE 68508

Contingent upon your approval, the following individual is being reappointed to the Commission of Industrial Relations:

Joel Carlson, 507 Logan Street, 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

February 6, 2018

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 Foster Care Advisory Committee:

Michele R. Marsh, M.D. 414 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

February 6, 2018

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:

Matthew J. DiVito, 7319 Sherman Street, Lincoln, NE 68508

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 6, 2018

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 Accountability and Disclosure Commission:

Marty Callahan, P.O. Box 117, Greeley, NE 68842

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 6, 2018

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 Accountability and Disclosure Commission:

Marty Callahan, P.O. Box 117, Greeley, NE 68842

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)**  
Banking, Commerce and Insurance

The Banking, Commerce and Insurance 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.

David J. Rippe, Director - Department of Economic Development

Aye: 8 Baker, Brewer, Harr, Kolterman, Lindstrom, McCollister, Schumacher, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Brett Lindstrom, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Watermeier filed the following amendment to LB744:  
AM1801

- 1 1. On page 6, line 3, after "Legislature" insert "under the
- 2 Legislative Qualifications and Election Contests Act" and after
- 3 "contests" insert "under sections 32-1101 to 32-1117".
- 4 2. On page 8, line 17, before "member" insert "respondent".

**NOTICE OF COMMITTEE HEARING(S)**  
Government, Military and Veterans Affairs

Room 1507

Wednesday, February 14, 2018 1:30 p.m.

LB929  
LB1015  
LB959  
LB1065  
LB1068

(Signed) John Murante, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 302, 303, 304, and 305 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 302, 303, 304, and 305.

**ANNOUNCEMENT**

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 6, 2018, summarizing the recommended appropriations for the following biennium.

**GENERAL FILE**

**LEGISLATIVE BILL 936.** Title read. Considered.

Pending.

**COMMITTEE REPORT(S)**

General Affairs

**LEGISLATIVE BILL 724.** Placed on General File with amendment.

AM1707

1 1. On page 2, lines 17 and 19, strike "lottery"; in line 18 strike  
 2 beginning with "After" through "day" and insert "Subject to the adoption  
 3 and promulgation of rules and regulations by the department setting forth  
 4 recordkeeping and reporting criteria for lottery operators, counties,  
 5 cities, and villages that request authorization from the department for  
 6 the use of electronic transfers from satellite locations"; in line 25  
 7 before "general" insert "nonsegregated"; in line 27 strike beginning with  
 8 "within" through "not" and insert "no"; in line 29 strike the second  
 9 "the" and insert "a"; in line 30 strike "village" and insert "village  
 10 that has met the requirements of the rules and regulations adopted and  
 11 promulgated pursuant to subsection (2) of this section"; and in line 31  
 12 strike "non-segregated" and insert "nonsegregated general business".  
 13 2. On page 3, line 5, strike beginning with "within" through "not"  
 14 and insert "no".

(Signed) Tyson Larson, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 313.** Introduced by Lowe, 37.

WHEREAS, Allen H. "Al" Zikmund was born on March 26, 1922, on a homestead farm near Ord to Henry and Ethel Zikmund; and

WHEREAS, in 1939, Al graduated from Ord High School, where he was a vocal and instrumental musician, a member of the undefeated football team, a member of the track team, and a broad jump state champion; and

WHEREAS, while playing halfback for the University of Nebraska Cornhusker football team in the 1941 Rose Bowl, Al became the youngest player in Rose Bowl history to catch a touchdown pass. Al also participated on the track team, was a member of the Innocents Society and Sigma Alpha Epsilon fraternity, and earned an education degree at the university; and

WHEREAS, Al served as a U.S. naval lieutenant, commanding regiments of officer candidates before returning to the University of Nebraska to earn a master's degree; and

WHEREAS, Al married Verlene Witham in 1943 and raised three children, Sue, Jim, and Sally; and

WHEREAS, after teaching and coaching at Alliance and Grand Island high schools, Al and Verlene moved their family to Kearney, where he served as the Kearney State College football coach, assistant track coach, athletic director, and associate professor of physical education; and

WHEREAS, during his seventeen years coaching the Kearney State football team, Coach Zikmund turned the team into a National Association of Intercollegiate Athletics (NAIA) powerhouse, winning seventy-nine percent of their games and going undefeated in 1956, 1958, and 1967; and

WHEREAS, Al is a member of the University of Nebraska at Kearney Hall of Fame, the NAIA Hall of Fame, the Nebraska Football Hall of Fame, and the Nebraska High School Sports Hall of Fame and has been nominated to the National Football Foundation College Hall of Fame for his service as an innovative coach and athletic director; and

WHEREAS, Allen Zikmund passed away on Monday, January 29, 2018, at the age of ninety-five.

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

1. That the Legislature offers its condolences to the family and friends of Allen Zikmund.
2. That a copy of this resolution be sent to the family of Allen Zikmund.

Laid over.

#### **NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Tuesday, February 13, 2018 1:30 p.m.

LB999  
LB1110  
LB1116  
LB1052

(Signed) Mike Groene, Chairperson

Nebraska Retirement Systems

Room 1525

Wednesday, February 14, 2018 12:00 p.m.

AM1529 to LB548  
AM1758 to LB548

(Signed) Mark Kolterman, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 936.** Considered.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Senator Krist requested a record vote on the advancement of the bill.

Voting in the affirmative, 43:

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

Voting in the negative, 2:

Bolz            Hansen

Excused and not voting, 4:

Groene        Kolterman    Vargas        Wayne

Advanced to Enrollment and Review Initial with 43 ayes, 2 nays, and 4 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 710.** Senator Chambers renewed his motion, MO202, found on page 524, to reconsider the vote taken to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 10 ayes, 2 nays, and 37 not voting.

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

Voting in the affirmative, 1:

Chambers



Voting in the negative, 46:

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

Excused and not voting, 2:

Vargas            Wayne

The Chambers motion to reconsider failed with 1 aye, 46 nays, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the committee amendment:

FA97  
 Amend AM1683  
 Strike lines 4-6.

Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 40:

Albrecht	Clements	Hansen	Linehan	Scheer
Baker	Crawford	Hilgers	Lowe	Schumacher
Blood	Ebke	Hilkemann	McCollister	Sinner
Bolz	Erdman	Howard	McDonnell	Thibodeau
Bostelman	Friesen	Hughes	Morfeld	Walz
Brasch	Geist	Kolterman	Pansing Brooks	Watermeier
Brewer	Groene	Krist	Quick	Williams
Briese	Halloran	Kuehn	Riepe	Wishart

Present and not voting, 1:

Chambers

Absent and not voting, 1:

Kolowski

Excused and not voting, 7:

Harr	Lindstrom	Smith	Wayne
Larson	Murante	Vargas	

The Chambers amendment lost with 0 ayes, 40 nays, 1 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO204

Reconsider the vote taken on FA97.

Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

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

Voting in the affirmative, 2:

Chambers	Hansen
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Voting in the negative, 38:

Albrecht	Crawford	Howard	McDonnell	Stinner
Baker	Ebke	Hughes	Morfeld	Thibodeau
Bolz	Erdman	Kolowski	Pansing Brooks	Walz
Bostelman	Friesen	Kolterman	Quick	Watermeier
Brasch	Geist	Krist	Riepe	Williams
Brewer	Halloran	Linehan	Scheer	Wishart
Briese	Hilgers	Lowe	Schumacher	
Clements	Hilkemann	McCollister	Smith	

Excused and not voting, 9:

Blood	Harr	Larson	Murante	Wayne
Groene	Kuehn	Lindstrom	Vargas	

The Chambers motion to reconsider failed with 2 ayes, 38 nays, and 9 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO205

Recommit to the Judiciary Committee.

Senator Baker offered the following motion:

MO203

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Baker moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Senator Baker requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 47:

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

Voting in the negative, 1:

Chambers

Excused and not voting, 1:

Vargas

The Baker motion to invoke cloture prevailed with 47 ayes, 1 nay, and 1 excused and not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 47:

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

Excused and not voting, 1:

Vargas

The Chambers motion to recommit to committee failed with 1 aye, 47 nays, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the committee amendment, AM1683.

Voting in the affirmative, 48:

Albrecht	Crawford	Hilkemann	Low	Smith
Baker	Ebke	Howard	McCollister	Stinner
Blood	Erdman	Hughes	McDonnell	Thibodeau
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	
Clements	Hilgers	Linehan	Schumacher	

Voting in the negative, 0.

Excused and not voting, 1:

Vargas

The committee amendment was adopted with 48 ayes, 0 nays, and 1 excused and not voting.

Senator Chambers requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 46:

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

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Hansen

Excused and not voting, 1:

Vargas

Advanced to Enrollment and Review Initial with 46 ayes, 1 nay, 1 present and not voting, and 1 excused and not voting.

**AMENDMENT(S) - Print in Journal**

Senator Brewer filed the following amendment to LB752:  
AM1804

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 70-1014.02, Revised Statutes Cumulative Supplement,
- 3 2016, is amended to read:
- 4 70-1014.02 (1)(a) A privately developed renewable energy generation
- 5 facility that meets the requirements of this section is exempt from
- 6 sections 70-1012 to 70-1014.01 if no less than thirty days prior to the
- 7 commencement of construction the owner of the facility:
- 8 (i) Notifies the board in writing of its intent to commence
- 9 construction of a privately developed renewable energy generation
- 10 facility;
- 11 (ii) Certifies to the board that the facility will meet the
- 12 requirements for a privately developed renewable energy generation
- 13 facility;
- 14 (iii) Certifies to the board that the private electric supplier will
- 15 (A) comply with any decommissioning requirements adopted by the local
- 16 governmental entities having jurisdiction over the privately developed
- 17 renewable energy generation facility and (B) except as otherwise provided
- 18 in subdivision (b) of this subsection, submit a decommissioning plan to
- 19 the board obligating the private electric supplier to bear all costs of

20 decommissioning the privately developed renewable energy generation  
21 facility and requiring that the private electric supplier post a security  
22 bond or other instrument, no later than the tenth year following  
23 commercial operation, securing the costs of decommissioning the facility  
24 and provide a copy of the bond or instrument to the board;  
25 (iv) Certifies to the board that the private electric supplier has  
26 entered into or prior to commencing construction will enter into a joint  
27 transmission development agreement pursuant to subdivision (c) of this  
1 subsection with the electric supplier owning the transmission facilities  
2 of sixty thousand volts or greater to which the privately developed  
3 renewable energy generation facility will interconnect; and  
4 (v) Certifies to the board that the private electric supplier has  
5 consulted with the Game and Parks Commission to identify potential  
6 measures to avoid, minimize, and mitigate impacts to species identified  
7 under subsection (1) or (2) of section 37-806 during the project planning  
8 and design phases, if possible, but in no event later than the  
9 commencement of construction.

10 (b) The board may bring an action in the name of the State of  
11 Nebraska for failure to comply with subdivision (a)(iii)(B) of this  
12 subsection. Subdivision (a)(iii)(B) of this subsection does not apply if  
13 a local government entity with the authority to create requirements for  
14 decommissioning has enacted decommissioning requirements for the  
15 applicable jurisdiction.

16 (c) The joint transmission development agreement shall address  
17 construction, ownership, operation, and maintenance of such additions or  
18 upgrades to the transmission facilities as required for the privately  
19 developed renewable energy generation facility. The joint transmission  
20 development agreement shall be negotiated and executed contemporaneously  
21 with the generator interconnection agreement or other directives of the  
22 applicable regional transmission organization with jurisdiction over the  
23 addition or upgrade of transmission, upon terms consistent with prudent  
24 electric utility practices for the interconnection of renewable  
25 generation facilities, the electric supplier's reasonable transmission  
26 interconnection requirements, and applicable transmission design and  
27 construction standards. The electric supplier shall have the right to  
28 purchase and own transmission facilities as set forth in the joint  
29 transmission development agreement. The private electric supplier of the  
30 privately developed renewable energy generation facility shall have the  
31 right to construct any necessary facilities or improvements set forth in  
1 the joint transmission development agreement pursuant to the standards  
2 set forth in the agreement at the private electric supplier's cost.

3 (2) Within ten days after receipt of a written notice complying with  
4 subsection (1) of this section, the executive director of the board shall  
5 issue a written acknowledgment that the privately developed renewable  
6 energy generation facility is exempt from sections 70-1012 to 70-1014.01.

7 (3) The exemption allowed under this section for a privately  
8 developed renewable energy generation facility shall extend to and exempt  
9 all private electric suppliers owning any interest in the facility,  
10 including any successor private electric supplier which subsequently

11 acquires any interest in the facility.

12 (4) No property owned, used, or operated as part of a privately  
 13 developed renewable energy generation facility shall be subject to  
 14 eminent domain by a consumer-owned electric supplier operating in the  
 15 State of Nebraska. Nothing in this section shall be construed to grant  
 16 the power of eminent domain to a private electric supplier or limit the  
 17 rights of any entity to acquire any public, municipal, or utility right-  
 18 of-way across property owned, used, or operated as part of a privately  
 19 developed renewable energy generation facility as long as the right-of-  
 20 way does not prevent the operation of or access to the privately  
 21 developed renewable energy generation facility.

22 (5) Only a consumer-owned electric supplier operating in the State  
 23 of Nebraska may exercise eminent domain authority to acquire the land  
 24 rights necessary for the construction of transmission lines and related  
 25 facilities. ~~The exercise of eminent domain to provide needed transmission~~  
 26 ~~lines and related facilities for a privately developed renewable energy~~  
 27 ~~generation facility is a public use.~~

28 (6) Nothing in this section shall be construed to authorize a  
 29 private electric supplier to sell or deliver electricity at retail in  
 30 Nebraska.

31 (7) Nothing in this section shall be construed to limit the  
 1 authority of or require a consumer-owned electric supplier operating in  
 2 the State of Nebraska to enter into a joint agreement with a private  
 3 electric supplier to develop, construct, and jointly own a privately  
 4 developed renewable energy generation facility.

5 2. Renumber the remaining section and correct the repealer  
 6 accordingly.

Senator Briese filed the following amendment to LB256:  
 AM1752

(Amendments to Standing Committee amendments, AM452)

- 1 1. On page 2, line 25, strike "persons, or entity" and insert "or  
 2 persons".
- 3 2. On page 4, line 6, strike "becomes occupied" and insert "is no  
 4 longer vacant"; and in line 30 strike "county assessor's" and insert  
 5 "register of deeds".
- 6 3. On page 5, line 4, after "thereafter" insert "for so long as the  
 7 property remains on the vacant property registration data base".

#### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Callahan, Marty - Nebraska Accountability and Disclosure Commission -  
 Government, Military and Veterans Affairs  
 Carlson, Joel - Commission of Industrial Relations - Business and Labor  
 DiVito, Matthew J. - State Emergency Response Commission -  
 Government, Military and Veterans Affairs

Fitzpatrick, Jeremy - Commission for the Deaf and Hard of Hearing - Health and Human Services  
 Girmus, Johnie Jason - Boiler Safety Code Advisory Board - Business and Labor  
 Marsh, Michele R. - Foster Care Advisory Committee - Health and Human Services  
 May, Lisa - Nebraska Educational Telecommunications Commission - Education  
 Ohles, Frederik - Nebraska Educational Telecommunications Commission - Education  
 Ray, Stacie L. - Commission for the Deaf and Hard of Hearing - Health and Human Services  
 Schutt, Diane - Commission for the Deaf and Hard of Hearing - Health and Human Services  
 Sousek, Carl - Climate Assessment Response Committee - Agriculture  
 Vannoy, Patricia L. - Commission of Industrial Relations - Business and Labor  
 Weverka, Norman B. - Commission for the Deaf and Hard of Hearing - Health and Human Services

(Signed) Dan Watermeier, Chairperson  
 Executive Board

**NOTICE OF COMMITTEE HEARING(S)**  
 Natural Resources

Room 1525

Wednesday, February 14, 2018 1:30 p.m.

Michelle Bucklin - Environmental Quality Council  
 LB1008  
 LR266

Thursday, February 15, 2018 1:30 p.m.

Scott L. Cassels - Game and Parks Commission  
 LB908

(Signed) Dan Hughes, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 314.** Introduced by Ebke, 32.

WHEREAS, the Bruning-Davenport-Shickley football team won the 2017 Nebraska High School Eight Man-2 Championship; and



WHEREAS, the Bruning-Davenport-Shickley Eagles won the championship in front of 1,711 at Memorial Stadium over Blue Hill by a score of 58 to 23; and

WHEREAS, the Eagles had an impressive offensive performance scoring touchdowns on runs of 46, 6, 25, 64, 28, 52, 58, and 54 yards in the championship game. At halftime, the Eagles were averaging 53 yards per minute; and

WHEREAS, the state championship capped a tremendous season finishing with a perfect 13-0 record with the Eagles scoring 668 points while holding opponents to 202 points; 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, SECOND SESSION:

1. That the Legislature congratulates the Bruning-Davenport-Shickley Eagles on winning the 2017 Nebraska High School Eight Man-2 Championship.

2. That a copy of this resolution be sent to the Bruning-Davenport-Shickley Eagles football team and coaches Mark Rotter and Chris Ardissono.

Laid over.

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

Senator Williams designates LB496 as his priority bill.

Senator Kolowski designates LB838 as his priority bill.

#### **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 appointments(s) be confirmed by the Legislature and suggests a record vote.

David Copple - Nebraska Highway Commission  
Mary K. Gerdes - Nebraska Highway Commission  
James W. Hawks - Nebraska Highway Commission  
James Kindig - Nebraska Highway Commission  
Greg Wolford - Nebraska Highway Commission

Aye: 8 Bostelman, Briese, Friesen, Geist, Hilgers, Hughes, Murante, Smith.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Curt Friesen, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Lindstrom name added to LB299.  
 Senator McCollister name added to LB604.  
 Senator Howard name added to LB695.  
 Senator Lindstrom name added to LB1001.  
 Senator Howard name added to LR312.  
 Senator Halloran name added to LR312.  
 Senator Wishart name added to LR312.

**AMENDMENT(S) - Print in Journal**

Senator Pansing Brooks filed the following amendment to LB158:  
 AM1809

(Amendments to Standing Committee amendments, AM145)

- 1 1. Insert the following new amendments:
- 2 1. Insert the following new sections:
- 3 Section 1. The Juvenile Indigent Defense Fund is created. The fund
- 4 shall be administered by the Commission on Public Advocacy and shall only
- 5 be used to provide legal services to juveniles in juvenile court, to
- 6 provide resources to assist counties in fulfilling their obligation to
- 7 provide for effective assistance of legal counsel for indigent juveniles,
- 8 and to pay the costs of administering the Juvenile Indigent Defense Grant
- 9 Program. The commission shall distribute money in the fund periodically
- 10 in the form of grants to counties under such program as provided by the
- 11 commission's rules and regulations. Any money in the fund available for
- 12 investment shall be invested by the state investment officer pursuant to
- 13 the Nebraska Capital Expansion Act and the Nebraska State Funds
- 14 Investment Act. Interest earned shall be credited back to the fund.
- 15 Sec. 2. (1) There is created a separate and distinct budgetary
- 16 program within the Commission on Public Advocacy to be known as the
- 17 Juvenile Indigent Defense Grant Program. Funds from the Juvenile Indigent
- 18 Defense Fund shall be used to provide grants to counties to help offset
- 19 the cost of providing legal counsel for indigent juveniles and for the
- 20 administrative costs of the commission.
- 21 (2)(a) A county may apply for a grant under the program beginning
- 22 September 15, 2019.
- 23 (b) To be eligible for a grant under the program, a county shall
- 24 demonstrate to the commission that, after the operative date of this act,
- 25 the county's per capita juvenile court costs have increased, as compared
- 26 to such county's per capita juvenile court costs for the preceding three
- 1 fiscal years. The county shall provide the commission with data showing
- 2 that such increase in costs was due to the implementation of this
- 3 legislative bill and pinpointing the factors contributing to such
- 4 increase.
- 5 (c) Funds provided to counties under the program shall be used
- 6 exclusively to provide legal counsel for indigent juveniles.
- 7 (3) Any county receiving a grant under the program shall annually

8 submit information electronically to the commission as required by the  
9 commission's rules and regulations. Such information shall include, but  
10 not be limited to, the number of juveniles that received legal  
11 representation as a result of this legislative bill.

12 (4) On or before October 1, 2020, and each October 1 thereafter, the  
13 commission shall electronically submit a report to the Legislature  
14 concerning the distribution and use of funds for grants provided under  
15 the program. The report shall include, but not be limited to, the  
16 information described in subsection (3) of this section.

17 (5) The commission shall adopt and promulgate rules and regulations  
18 as necessary to implement this section and section 1 of this act.

19 Sec. 3. Section 29-2709, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 29-2709 When any costs in misdemeanor, traffic, felony preliminary,  
22 or juvenile cases in county court, except for those costs provided for in  
23 subsection (3) of section 24-703, two dollars of the fee provided in  
24 section 33-107.01, the court automation fee provided in section  
25 33-107.03, the juvenile indigent defense fee provided in section 4 of  
26 this act, and the uniform data analysis fee provided in section 47-633,  
27 are found by a county judge to be uncollectible for any reason, including  
28 the dismissal of the case, such costs shall be deemed waived unless the  
29 judge, in his or her discretion, enters an order assessing such portion  
30 of the costs as by law would be paid over by the court to the State  
31 Treasurer as follows:

1 (1) In all cases brought by or with the consent of the county  
2 attorney, all such uncollectible costs shall be certified by the clerk of  
3 the court to the county clerk who shall present the bills therefor to the  
4 county board. The county board shall pay from the county general fund all  
5 such bills found by the board to be lawful; and

6 (2) In all cases brought under city or village ordinance, all such  
7 uncollectible costs shall be certified to the appropriate city or village  
8 officer authorized to receive claims who shall present the bills therefor  
9 to the governing body of the city or village in the same manner as other  
10 claims. Such governing body shall pay from the general fund of the city  
11 or village all such bills as are found to be lawful.

12 Sec. 4. In addition to all other court costs assessed according to  
13 law, a juvenile indigent defense fee of one dollar shall be assessed as  
14 costs for each case filed in each county court, separate juvenile court,  
15 and district court, including appeals to such courts, and for each appeal  
16 and original action filed in the Court of Appeals and the Supreme Court.  
17 The fees shall be remitted to the State Treasurer on forms prescribed by  
18 the State Treasurer within ten days after the end of each month. The  
19 State Treasurer shall credit the fees to the Juvenile Indigent Defense  
20 Fund.

21 Sec. 7. This act becomes operative on September 15, 2018.

22 4. Renumber the remaining sections and amend the repealer  
23 accordingly.

24 5. Renumber the remaining amendments accordingly.

**VISITORS**

Visitors to the Chamber were Bailey Mooney from Seward High School; and members of the Nebraska Physical Therapy Association and 120 physical therapy students from Creighton and UNMC.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Krist, the Legislature adjourned until 9:00 a.m., Wednesday, February 7, 2018.

Patrick J. O'Donnell  
Clerk of the Legislature