

**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

