

**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" in line 24 and show as stricken.
- 19 8. On page 22, line 1, after the first "a" insert "case"; in line 2 strike "papers", show as stricken, and insert "documents"; in line 17, 21 after "judge's" insert "docket"; in line 18 strike "fee", show as 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 pleadings"; in line 9 strike the period through "maintained" and insert 27 ", on microfilm, or"; and after line 11 insert the following new 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