

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 FUND SOURCE DOLLAR AMOUNT
- 16 GENERAL FUND \$394,853.25
- 17 CASH FUND \$-0-
- 18 REVOLVING FUND \$-0-
- 19 TOTAL \$394,853.25
- 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

