

**FIFTY-EIGHTH DAY - APRIL 3, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 3, 2017

**PRAYER**

The prayer was offered by Pastor Johnny Walker, West First Chapel Church, McCook.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Friesen, Hansen, Larson, Morfeld, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-seventh day was approved.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 535.** Placed on Select File with amendment.  
ER42

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 23-1503.01, Reissue Revised Statutes of Nebraska,
- 4 is amended to read:
- 5 23-1503.01 (1) Any instrument submitted for recording in the office
- 6 of the register of deeds shall contain a blank space at the top of the
- 7 first page which is at least three inches by eight and one-half inches in
- 8 size for recording information required by section 23-1510 by the
- 9 register of deeds. If this space or the information required by such
- 10 section is not provided, the register of deeds may add a page or use the
- 11 back side of an existing page and charge for the page a fee established
- 12 by section 33-109 for the recording of an instrument. No attachment or
- 13 affirmation shall be used in any way to cover any information or printed
- 14 material on the instrument.
- 15 (2) Printed forms primarily intended to be used for recordation

16 purposes shall have a one-inch margin on the two vertical sides and a  
17 one-inch margin on the bottom of the page. Nonessential information such  
18 as page numbers or customer notations may be placed within the side and  
19 bottom margins.

20 (3) All instruments submitted for recording shall be on paper  
21 measuring at least eight and one-half inches by eleven inches and not  
22 larger than eight and one-half inches by fourteen inches. The instrument  
23 shall be printed, typewritten, or computer-generated in black ink on  
24 white paper of not less than twenty-pound weight without watermarks or  
25 other visible inclusions. The instrument shall be sufficiently legible to  
26 allow for a readable copy to be reproduced using the method of  
27 reproduction used by the register of deeds. A font size of at least eight  
1 points shall be presumed to be sufficiently legible. Each signature on an  
2 instrument shall be in black or dark blue ink and of sufficient color and  
3 clarity to ensure that the signature is readable when the instrument is  
4 reproduced. The signature may be a digital signature or an electronic  
5 signature. The name of each party to the instrument shall be typed,  
6 printed, or stamped beneath the original signature. An embossed or inked  
7 stamp shall not cover or otherwise materially interfere with any part of  
8 the instrument.

9 (4) This section does not apply to:

- 10 (a) Instruments signed before August 27, 2011;
- 11 (b) Instruments executed outside of the United States;
- 12 (c) Certified copies of instruments issued by governmental agencies,  
13 including vital records;
- 14 (d) Instruments signed by an original party who is incapacitated or  
15 deceased at the time the instruments are presented for recording;
- 16 (e) Instruments formatted to meet court requirements;
- 17 (f) Federal and state tax liens;
- 18 (g) Forms prescribed by the Uniform Commercial Code; and
- 19 (h) Plats, surveys, or drawings related to plats or surveys.

20 (5) The changes made to this section by Laws 2011, LB254, do not  
21 affect the duty of a register of deeds to file an instrument presented  
22 for recordation as set forth in sections 23-1506 and 76-237.

23 Sec. 2. Section 76-214, Revised Statutes Cumulative Supplement,  
24 2016, is amended to read:

25 76-214 (1) Except as provided in subsection (4) of this section,  
26 every grantee who has a deed to real estate recorded and every purchaser  
27 of real estate who has a memorandum of contract or land contract recorded  
28 shall, at the time such deed, memorandum of contract, or land contract is  
29 presented for recording, file with the register of deeds a completed  
30 statement as prescribed by the Tax Commissioner. For all deeds and all  
31 memoranda of contract and land contracts recorded on and after January 1,  
1 2001, the statement shall not require the social security number of the  
2 grantee or purchaser or the federal employer identification number of the  
3 grantee or purchaser. This statement may require the recitation of any  
4 information contained in the deed, memorandum of contract, or land  
5 contract, the total consideration paid, the amount of the total  
6 consideration attributable to factors other than the purchase of the real

7 estate itself, and other factors which may influence the transaction. If  
8 a death certificate is recorded as provided in subsection (2) of this  
9 section, this statement may require a date of death, the name of the  
10 decedent, and whether the title is affected as a result of a transfer on  
11 death deed, a joint tenancy deed, or the expiration of a life estate or  
12 by any other means. This statement shall be signed and filed by the  
13 grantee, the purchaser, or his or her authorized agent. The register of  
14 deeds shall forward the statement to the county assessor. If the grantee  
15 or purchaser fails to furnish the prescribed statement, the register of  
16 deeds shall not record the deed, memorandum of contract, or land  
17 contract. The register of deeds shall indicate on the statement the book  
18 and page or computer system reference where the deed, memorandum of  
19 contract, or land contract is recorded and shall immediately forward the  
20 statement to the county assessor. The county assessor shall process the  
21 statement according to the instructions of the Property Tax Administrator  
22 and shall, pursuant to the rules and regulations of the Tax Commissioner,  
23 forward the statement to the Tax Commissioner.

24 (2)(a) The statement described in subsection (1) of this section  
25 shall be filed at the time that a certified or authenticated copy of the  
26 grantor's death certificate is filed if such death certificate is  
27 required to be filed under section 76-2,126 and the conveyance of real  
28 estate was pursuant to a transfer on death deed.

29 (b) The statement described in subsection (1) of this section shall  
30 not be required to be filed at the time that a transfer on death deed is  
31 filed or at the time that an instrument of revocation of a transfer on  
1 death deed as described in subdivision (a)(1)(B) of section 76-3413 is  
2 filed.

3 (3) Any person shall have access to the statements at the office of  
4 the Tax Commissioner, county assessor, or register of deeds if the  
5 statements are available and have not been disposed of pursuant to the  
6 records retention and disposition schedule as approved by the State  
7 Records Administrator.

8 (4) The statement described in subsection (1) of this section shall  
9 not be required if the document being recorded is an easement or an oil,  
10 gas, or mineral lease, or any subsequent assignment of an easement or  
11 such lease, except that such statement shall be required for conservation  
12 easements and preservation easements as such terms are defined in section  
13 76-2,111.

14 Sec. 3. Original section 23-1503.01, Reissue Revised Statutes of  
15 Nebraska, and section 76-214, Revised Statutes Cumulative Supplement,  
16 2016, are repealed.

17 2. On page 1, strike beginning with "conveyances" in line 1 through  
18 line 4 and insert "; to amend section 23-1503.01, Reissue Revised  
19 Statutes of Nebraska, and section 76-214, Revised Statutes Cumulative  
20 Supplement, 2016; to authorize digital or electronic signatures for  
21 instruments submitted to the register of deeds as prescribed; to provide  
22 exemptions from a requirement to file a statement regarding the  
23 conveyance of real estate; and to repeal the original sections."

**LEGISLATIVE BILL 91.** Placed on Select File.

**LEGISLATIVE BILL 180.** Placed on Select File with amendment.  
ER43

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. (1) A juvenile court may terminate its jurisdiction
- 4 under subdivision (3)(a) of section 43-247 by transferring jurisdiction
- 5 over the juvenile's custody, physical care, and visitation to the
- 6 district court through a bridge order, if all of the following criteria
- 7 are met:
- 8 (a) The juvenile has been adjudicated under subdivision (3)(a) of
- 9 section 43-247 in an active juvenile court case and a dispositional order
- 10 in that case is in place;
- 11 (b) Paternity of the juvenile has been legally established,
- 12 including by operation of law due to an individual's marriage to the
- 13 mother at the time of conception, birth, or at any time during the period
- 14 between conception and birth of the child; by order of a court of
- 15 competent jurisdiction; or by administrative order when authorized by
- 16 law;
- 17 (c) The juvenile has been safely placed by the juvenile court with a
- 18 legal parent; and
- 19 (d) The juvenile court has determined that its jurisdiction under
- 20 subdivision (3)(a) of section 43-247 should properly end once orders for
- 21 custody, physical care, and visitation are entered by the district court.
- 22 (2) When the criteria in subsection (1) of this section are met, a
- 23 legal parent or guardian ad litem to a juvenile adjudicated under
- 24 subdivision (3)(a) of section 43-247 in juvenile court may file a motion
- 25 with the juvenile court for a bridge order under subsection (3) of this
- 26 section. The parent is not required to intervene in the action. The
- 27 motion shall be set for evidentiary hearing by the juvenile court no less
- 1 than thirty days or more than ninety days from the date of the filing of
- 2 the motion. The juvenile court, on its own motion, may also set an
- 3 evidentiary hearing on the issue of a bridge order if such hearing is set
- 4 no less than thirty days from the date of notice to the parties. The
- 5 court may waive the evidentiary hearing if all issues raised in the
- 6 motion for a bridge order are resolved by agreement of all parties and
- 7 entry of a stipulated order.
- 8 (3) A motion for a bridge order shall:
- 9 (a) Allege that the juvenile court action filed under subdivision
- 10 (3)(a) of section 43-247 may safely be closed once orders for custody,
- 11 physical care, and visitation have been entered by the district court;
- 12 (b) State the relief sought by the petitioning legal parent;
- 13 (c) Disclose any other action or proceedings affecting custody of
- 14 the juvenile, including proceedings related to domestic violence,
- 15 protection orders, terminations of parental rights, and adoptions,
- 16 including the docket number, court, county, and state of any such
- 17 proceeding;
- 18 (d) State the names and addresses of any persons other than the

19 legal parents who have a court order for physical custody or claim to  
20 have custody or visitation rights with the juvenile; and  
21 (e) Name as a respondent any other person who has any relation to  
22 the controversy.  
23 (4) A juvenile court shall designate the petitioner and respondent  
24 for purposes of a bridge order. A bridge order shall only address matters  
25 of legal and physical custody and parenting time. All other matters,  
26 including child support, shall be resolved by filing a separate petition  
27 or motion or by action of the child support enforcement office and shall  
28 be subject to existing applicable statutory provisions. No mediation or  
29 specialized alternative dispute resolution under section 42-364 shall be  
30 required in either district court or juvenile court where the juvenile  
31 has entered a bridge order. The Parenting Act shall not apply to the  
1 entry of the bridge order in juvenile or district court.  
2 (5) Upon transferring jurisdiction from a juvenile court to a  
3 district court, the clerk of the district court shall docket the case  
4 under either a new docket or any previous docket establishing custody or  
5 paternity of a child.  
6 (6) The district court shall give full force and effect to the  
7 juvenile court bridge order as to custody and parenting time and shall  
8 not modify the juvenile court bridge order without modification  
9 proceedings as provided in subsection (8) of this section.  
10 (7) A district court shall take judicial notice of the juvenile  
11 court pleadings and orders in any hearing held subsequent to transfer.  
12 Records contained in the district court case file that were copied or  
13 transferred from the juvenile court file concerning the case shall be  
14 subject to section 43-2,108 and other confidentiality provisions of the  
15 Nebraska Juvenile Code, and such records shall only be disclosed, upon  
16 request, to the child support enforcement office without a court order.  
17 (8) Following the issuance of a bridge order, a party may file a  
18 petition in district court for modification of the bridge order as to  
19 legal and physical custody or parenting time. If the petition for  
20 modification is filed within one year after the filing date of the bridge  
21 order, the party requesting modification shall not be required to  
22 demonstrate a substantial change of circumstance but instead shall  
23 demonstrate that such modification is in the best interests of the child.  
24 If a petition for modification is filed within one year after the filing  
25 date of the bridge order, filing fees and other court costs shall not be  
26 assessed against the parties.  
27 (9) Nothing in this section shall be construed to require  
28 appointment of counsel for the parties in the district court action.  
29 Sec. 2. Section 43-2,129, Reissue Revised Statutes of Nebraska, is  
30 amended to read:  
31 43-2,129 Sections 43-245 to 43-2,129 and section 1 of this act shall  
1 be known and may be cited as the Nebraska Juvenile Code.  
2 Sec. 3. Section 43-2924, Reissue Revised Statutes of Nebraska, is  
3 amended to read:  
4 43-2924 (1) The Parenting Act shall apply to proceedings or  
5 modifications filed on or after January 1, 2008, in which parenting

6 functions for a child are at issue (a) under Chapter 42, including, but  
 7 not limited to, proceedings or modification of orders for dissolution of  
 8 marriage and child custody and (b) under sections 43-1401 to 43-1418. The  
 9 Parenting Act may apply to proceedings or modifications in which  
 10 parenting functions for a child are at issue under Chapter 30 or 43. The  
 11 Parenting Act shall also apply to subsequent modifications of bridge  
 12 orders entered under section 1 of this act by a separate juvenile court  
 13 or county court sitting as a juvenile court and docketed in a district  
 14 court.  
 15 (2) The Parenting Act does not apply in any action filed by a county  
 16 attorney or authorized attorney pursuant to his or her duties under  
 17 section 42-358, 43-512 to 43-512.18, or 43-1401 to 43-1418, the Income  
 18 Withholding for Child Support Act, the Revised Uniform Reciprocal  
 19 Enforcement of Support Act before January 1, 1994, or the Uniform  
 20 Interstate Family Support Act for purposes of the establishment of  
 21 paternity and the establishment and enforcement of child and medical  
 22 support or a bridge order entered under section 1 of this act by a  
 23 separate juvenile court or county court sitting as a juvenile court and  
 24 docketed in a district court. A county attorney or authorized attorney  
 25 shall not participate in the development of or court review of a  
 26 parenting plan under the Parenting Act. If both parents are parties to a  
 27 paternity or support action filed by a county attorney or authorized  
 28 attorney, the parents may proceed with a parenting plan.  
 29 Sec. 4. Original sections 43-2,129 and 43-2924, Reissue Revised  
 30 Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 180A.** Placed on Select File.

**LEGISLATIVE BILL 267.** Placed on Select File.

**LEGISLATIVE BILL 137.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**  
 Nebraska Retirement Systems

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Richard DeFusco - Nebraska Investment Council

Aye: 6 Bolz, Groene, Kolowski, Kolterman, Lindstrom, Stinner. Nay: 0.  
 Absent: 0. Present and not voting: 0.

(Signed) Mark Kolterman, Chairperson

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

Senator Friesen filed the following amendment to LR6:  
AM757

1 1. Strike paragraph 3 and insert the following new paragraph:  
2 "3. This application constitutes an application in accordance with  
3 Article V of the Constitution of the United States until the legislatures  
4 of at least two-thirds of the several states have made applications on  
5 the same subject or the State of Nebraska rescinds the application."

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 79 and 80 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 79 and 80.

**MOTION(S) - Return LB46 to Select File**

Senator Chambers moved to return LB46 to Select File for his specific amendment, FA9, found on page 359.

Senator Watermeier offered the following motion:  
MO68

Invoke cloture pursuant to Rule 7, Sec. 10.

The Watermeier motion to invoke cloture prevailed with 35 ayes, 6 nays, 7 present and not voting, and 1 excused and not voting.

Senator Chambers withdrew his motion to return.

**BILL ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB46 with 42 ayes, 2 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 46.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2016; to provide for Choose Life License Plates; to change provisions relating to personalized message license plates;

to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Albrecht	Clements	Groene	Kuehn	Quick
Blood	Craighead	Halloran	Larson	Riepe
Bolz	Crawford	Harr	Lindstrom	Scheer
Bostelman	Ebke	Hilgers	Linehan	Smith
Brasch	Erdman	Hilkemann	Lowe	Stinner
Brewer	Friesen	Hughes	McDonnell	Watermeier
Briese	Geist	Kolterman	Murante	Williams

Voting in the negative, 5:

Chambers	Howard	Krist	McCollister	Morfeld
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Present and not voting, 8:

Baker	Kolowski	Schumacher	Walz
Hansen	Pansing Brooks	Vargas	Wishart

Excused and not voting, 1:

Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **MOTION(S) - Return LB46A to Select File**

Senator Chambers moved to return LB46A to Select File for the following specific amendment:

FA51

Strike the enacting clause.

#### **SENATOR KRIST PRESIDING**

Senator Chambers withdrew his motion to return.

#### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 46A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to



aid in carrying out the provisions of Legislative Bill 46, One Hundred Fifth Legislature, First Session, 2017.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Albrecht	Crawford	Halloran	Kuehn	Scheer
Bolz	Ebke	Harr	Lindstrom	Smith
Bostelman	Erdman	Hilgers	Linehan	Watermeier
Brasch	Friesen	Hilkemann	McDonnell	Williams
Brewer	Geist	Hughes	Quick	
Clements	Groene	Kolterman	Riepe	

Voting in the negative, 3:

Chambers	Krist	Schumacher
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Present and not voting, 17:

Baker	Hansen	Lowe	Pansing Brooks	Wishart
Blood	Howard	McCollister	Stinner	
Briese	Kolowski	Morfeld	Vargas	
Craighead	Larson	Murante	Walz	

Excused and not voting, 1:

Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **GENERAL FILE**

**LEGISLATIVE BILL 641A.** Title read. Considered.

#### **PRESIDENT FOLEY PRESIDING**

Senator Morfeld moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

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

Voting in the affirmative, 38:

Albrecht	Crawford	Hughes	McCollister	Stinner
Baker	Ebke	Kolowski	McDonnell	Vargas
Blood	Friesen	Kolterman	Morfeld	Walz
Bolz	Hansen	Kuehn	Murante	Watermeier
Brasch	Harr	Larson	Pansing Brooks	Williams
Brewer	Hilgers	Lindstrom	Quick	Wishart
Briese	Hilkemann	Linehan	Scheer	
Craighead	Howard	Lowe	Smith	

Voting in the negative, 2:

Chambers      Erdman

Present and not voting, 8:

Bostelman	Geist	Halloran	Riepe
Clements	Groene	Krist	Schumacher

Excused and not voting, 1:

Wayne

Advanced to Enrollment and Review Initial with 38 ayes, 2 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 46 and 46A.

#### **SELECT FILE**

**LEGISLATIVE BILL 407.** ER18, found on page 685, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 148.** ER21, found on page 775, was adopted.

Senator Schumacher offered his amendment, AM835, found on page 867.

The Schumacher amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 590.** ER19, found on page 776, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 207.** ER20, found on page 776, was adopted.

Senator Krist withdrew his amendment, AM721, found on page 788.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 518.** ER23, found on page 792, was adopted.

Senator Williams offered his amendment, AM687, found on page 836.

The Williams amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 518A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 566.** ER24, found on page 815, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 210.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 182.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 339.** ER30, found on page 839, was adopted.

Senator Krist offered his amendment, AM770, found on page 830.

Senator Krist moved for a call of the house. The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

The Krist amendment was adopted with 25 ayes, 8 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

**LEGISLATIVE BILL 539.** ER28, found on page 839, was adopted.

Senator Krist offered his amendment, AM817, found on page 855.

The Krist amendment was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 600.** ER35, found on page 864, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 625.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 92.** Senator Riepe offered his amendment, AM609, found on page 688.

The Riepe amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 195.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 271.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 9.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 225.** ER27, found on page 819, was adopted.

Senator Baker offered his amendment, AM826, found on page 854.

The Baker amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Senator Crawford offered her amendment, AM840, found on page 865.

The Crawford amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 340.** ER25, found on page 820, was adopted.

Senator Murante offered the following amendment:

AM799

1 1. On page 8, after line 31 insert the following new paragraph:  
 2 "Any appropriation and salary limit provided in any legislative bill  
 3 enacted by the One Hundred Fifth Legislature, First Session, to Agency  
 4 No. 25, Department of Health and Human Services, in the following program  
 5 classification, shall be null and void, and any such amounts are hereby  
 6 appropriated to Agency No. 28, Department of Veterans' Affairs: Program  
 7 No. 519, Nebraska Veterans' Homes. Any financial obligations of the  
 8 Department of Health and Human Services for Program No. 519, Nebraska  
 9 Veterans' Homes, that remain unpaid as of June 30, 2017, and that are  
 10 subsequently certified as valid encumbrances to the accounting division  
 11 of the Department of Administrative Services pursuant to sections  
 12 81-138.01 to 81-138.04, shall be paid by the Department of Veterans'  
 13 Affairs from the unexpended balance of appropriations existing in such  
 14 program classification on June 30, 2017.".

The Murante amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 88.** ER26, found on page 832, was adopted.

Senator Blood offered her amendment, AM810, found on page 877.

The Blood amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Senator Schumacher offered the following amendment:

AM864

(Amendments to E and R amendments, ER26)

1 1. Insert the following new section:  
 2 Sec. 69. Section 38-2220, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 38-2220 An applicant for a license to practice as a registered nurse  
 5 shall submit satisfactory proof that the applicant has completed four  
 6 years of high school study or its equivalent as determined by the board  
 7 and has completed the basic professional curriculum in and holds a  
 8 diploma from an accredited program of registered nursing approved by the  
 9 board. There is no minimum age requirement for licensure as a registered  
 10 nurse. Graduates of foreign nursing programs shall pass a board-approved  
 11 examination and, unless a graduate of a nursing program in Canada,  
 12 provide a satisfactory evaluation of the education program attended by  
 13 the applicant from a board-approved foreign credentials evaluation  
 14 service the Canadian Nurses Association examination or hold a certificate

15 ~~from the Commission on Graduates of Foreign Nursing Schools.~~  
 16 2. Renumber the remaining sections, amend the repealer, and correct  
 17 internal references accordingly.

The Schumacher amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 90.** Introduced by Clements, 2.

WHEREAS, on March 12, 2017, the Platteview Senior High School band was traveling by bus to San Antonio, Texas, to perform at the Alamo. Fifty-nine students were riding on the bus, along with twelve sponsors and the band's director, Jerry Layher; and

WHEREAS, while heading south on the Kansas Turnpike, the bus driver passed out and the bus hit a concrete barrier while traveling at highway speed; and

WHEREAS, Mr. Layher acted swiftly to take control of the bus and steer it to safety; and

WHEREAS, the quick thinking and heroic actions of Mr. Layher saved lives and averted a tragedy; and

WHEREAS, no one was seriously injured and the band continued their journey and performed at the Alamo as scheduled without dwelling on the incident.

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

1. That the Legislature commends Jerry Layher for his life-saving actions and educational leadership.
2. That a copy of this resolution be sent to Mr. Layher.

Laid over.

### COMMUNICATION

April 3, 2017

Patrick O'Donnell  
 Clerk of the Legislature  
 State Capitol  
 Lincoln, NE 68509

Dear Mr. Clerk:

As Chairperson of the Special Committee regarding the Election Challenge to the Qualification of Senator Ernie Chambers filed by Mr. John Sciara, I

hereby file with your office an *Order Regarding Notice of Violation of Ex Parte Communication*. This *Order* has been sent to both parties, pursuant to Rule 10, Sec. 4(c).

Sincerely,  
(Signed) Senator Dan Watermeier  
Chairman, Special Committee

Enclosure: *Order Regarding Notice of Violation of Ex Parte Communication*

#### ANNOUNCEMENT

##### Notice of Issuance of Legislative Subpoenas

Pursuant to Rule 3, Sec. 21(A)(iii), the Special Committee on the Election Challenge to the Qualification of Senator Ernie Chambers of District 11 has issued legislative subpoenas to the following persons to appear before that committee on Friday, April 7, 2017, to testify on matters under consideration by said committee. The subpoenas were issued on Friday, March 31, 2017.

John Sciara  
Senator Ernie W. Chambers  
Senator Carol Blood  
Senator John Lowe  
Scott A. Harris, Sr.  
Cynthia Grandberry

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

Senator Williams filed the following amendment to LB142:  
AM179

1 1. On page 4, line 2, after "list" insert "in whatever form".

#### PRESENTED TO THE GOVERNOR

Presented to the Governor on April 3, 2017, at 11:26 a.m. were the following: LBs 46 and 46A.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

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

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

Senator Pansing Brooks name added to LB75.

**VISITOR(S)**

Visitors to the Chamber were 19 fourth-grade students and sponsors from Faith Lutheran School, Lincoln; 15 fourth-grade students from St. Patrick Elementary, Lincoln; and Ben Victor, Standing Bear sculptor and Paige Paulson from Boise, ID.

**RECESS**

At 12:01 p.m., on a motion by Senator Watermeier, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Bolz, Smith, and Wayne who were excused until they arrive.

**SELECT FILE**

**LEGISLATIVE BILL 506.** Senator Wishart offered her amendment, AM851, found on page 878.

The Wishart amendment was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 641.** ER32, found on page 862, was adopted.

Senator Morfeld offered his amendment, AM854, found on page 878.

The Morfeld amendment was adopted with 38 ayes, 0 nays, and 11 present and not voting.

Senator Schumacher offered the following amendment:  
AM868

(Amendments to E&R amendments, ER32)

- 1 1. Strike sections 3, 4, and 5.
- 2 2. On page 1, strike beginning with "applying" in line 5 through
- 3 "Act" in line 6; strike beginning with "transferred" in line 11 through
- 4 "(d)" in line 14; in line 14 strike the first comma and strike "(e)" and
- 5 insert "(b)"; strike lines 21 through 23; in line 24 strike "(4)" and
- 6 insert "(3)"; after line 25 insert:
- 7 "(4) The fund shall terminate on exhaustion of its funds following
- 8 receipt of the final loan repayment provided for in subdivision (2)(b) of



9 this section.

10 (5) No money in the fund shall be expended directly or indirectly to  
 11 promote or oppose any candidate for public office or to influence state  
 12 legislation."; and in line 27 strike "under the Business Innovation Act".  
 13 3. On page 2, strike beginning with "as" in line 21 through  
 14 "81-12,161" in line 22; strike beginning with "pursuant" in line 23  
 15 through "sections" in line 24; and strike lines 26 through 28 and insert:  
 16 "(3) To the extent that funds are available, the department may  
 17 provide financial assistance from the Bioscience Innovation Cash Fund to  
 18 carry out the purposes of this section.  
 19 (4) The department shall by March 1, 2018, submit electronically a  
 20 report to the Legislature of financial assistance provided under this  
 21 section. The report shall list (a) the identity of each recipient and if  
 22 the recipient was not an individual, the equity holders of the recipient,  
 23 if any, (b) the location of any enterprises formed, and (c) the purposes  
 24 for which the financial assistance was given.  
 25 (5) The program shall terminate when the fund created under section  
 26 1 of this act terminates."  
 1 4. Strike amendment 2.

Senator Schumacher offered the following amendment to his amendment:  
 FA52

Amend AM868

Strike on page 1, line 21 beginning with "if" through the first comma on line  
 23, page 1.

#### **PRESIDENT FOLEY PRESIDING**

The Schumacher amendment lost with 0 ayes, 37 nays, and 12 present and  
 not voting.

Senator Lindstrom offered the following amendment to the Schumacher  
 amendment:

AM902

(Amendments to Schumacher amendment, AM868)

1 1. Strike amendments 1 and 4.  
 2 2. On page 1, strike beginning with "strike" in line 2 through the  
 3 semicolon in line 6; strike beginning with "(5)" in line 10 through "Act"  
 4 in line 12; and strike beginning with "strike" in line 13 through "(5)"  
 5 in line 25 and insert "after line 28 insert '(4)'".  
 6 3. Renumber the remaining amendments accordingly.

Senator Lindstrom moved for a call of the house. The motion prevailed with  
 32 ayes, 5 nays, and 12 not voting.

#### **SPEAKER SCHEER PRESIDING**

Senator Lindstrom requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 32:

Blood	Hilkemann	Lindstrom	Quick	Watermeier
Craighead	Howard	Linehan	Riepe	Wayne
Crawford	Hughes	McCollister	Scheer	Williams
Ebke	Kolowski	McDonnell	Smith	Wishart
Hansen	Kolterman	Morfeld	Stinner	
Harr	Krist	Murante	Vargas	
Hilgers	Larson	Pansing Brooks	Walz	

Voting in the negative, 15:

Albrecht	Brasch	Clements	Geist	Kuehn
Baker	Brewer	Erdman	Groene	Lowe
Bostelman	Briese	Friesen	Halloran	Schumacher

Present and not voting, 2:

Bolz                      Chambers

The Lindstrom amendment was adopted with 32 ayes, 15 nays, and 2 present and not voting.

The Schumacher amendment, AM868, as amended, was adopted with 28 ayes, 15 nays, and 6 present and not voting.

Pending.

### COMMUNICATION(S)

April 3, 2017

Mr. Patrick O'Donnell  
 Clerk of the Legislature  
 Room 2018  
 State Capitol Building  
 P.O. Box 94694  
 Lincoln, Nebraska 68509-4604

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-404, R.R.S. of Nebraska, 1943, Legislative approval is required for the following University of Nebraska at Kearney (UNK) project:

**University of Nebraska at Kearney, Nebraska Student Union Remodel. The**

proposed project will remodel a significant portion of the ground floor, and finishes on multiple floors, to provide more open and connected circulation and retail spaces. The Board of Regents authorized this expenditure at its March 31, 2017 meeting. The total project is estimated to cost \$6,000,000.

This expenditure relates to certain funds, the Fifth Series Resolution dated February 15, 1993, (the "Restricted Fund"), as supplemented and amended to the General Bond Resolution dated May 1, 1984, created to finance renewals, replacements, betterments and equipment to maintain the Fifth Series Revenues Facilities.

In order to operate efficiently and maintain maximum use and occupancy of the Facilities as defined under the 1984 and 1993 resolutions; the Board has authorized the transfer of up to \$5,000,000 from restricted funds for this project.

**Request.** The University requests approval of the Nebraska Student Union Remodel project to be financed from restricted funds (2015 Fifth Series Surplus Fund), held under the 1993 Resolution, in the amount of \$5,000,000.

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

Thank you for your consideration of these projects.

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

April 3, 2017

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

Dear Senator Watermeier,

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

*University of Nebraska at Kearney-Nebraska Student Union Remodel.*

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

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

PJO:ck

Enclosure

### REFERENCE COMMITTEE REPORT

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

(Signed) Dan Watermeier, Chairperson  
 Executive Board

### AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendments to LB661:  
 AM876

1 1. On page 2, line 12, after "(2)" insert "Despite knowing that the  
 2 federal Food and Drug Administration had placed a total and absolute ban  
 3 on the importation of sodium thiopental for any purpose, the Governor,  
 4 Attorney General, and Director of Correctional Services labored for  
 5 months trying to arrange through an unscrupulous, disreputable drug  
 6 dealer in India the unlawful importation of the illegal drug for use in  
 7 judicial executions, by means of lethal injection which was developed by  
 8 the Nazis, public knowledge of such clandestine action must be thwarted  
 9 at all costs.".

AM877

1 1. Page 2, line 12, strike "Records" and insert "Although a direct  
 2 repudiation of the Legislature's often repeated claim that there should  
 3 be transparency and full disclosure in the conducting of the business of  
 4 the public, records".

AM878

1 1. On page 2, line 12, strike "Records" and insert "Because there is  
 2 something inherently unsavory and ghoulish about the ritualistic,  
 3 ceremonial extinguishment of human life by the state in judicial  
 4 executions by means of lethal injection which was developed by the Nazis,  
 5 records".

AM879

1 1. On page 2, line 12, strike "Records" and insert "Because those  
 2 who participate in the ceremonial killing of a human being in a judicial  
 3 execution carried out by means of lethal injection which was developed by  
 4 the Nazis, may be deemed by the public to warrant condemnation and  
 5 contempt, records".

AM880

1 1. On page 2, line 17, after "disclosed" insert "unless the district  
2 court determines the disclosure of such records to be in the public  
3 interest or in the interest of justice and public confidence in the  
4 integrity of the process of carrying out judicial executions by means of  
5 lethal injection".

AM881

1 1. On page 2, line 12, strike "Records" and insert "Because the  
2 killing of a human being by the state in judicial executions by means of  
3 lethal injection which was developed by the Nazis is hideous and morally  
4 repulsive, the processes by which it is carried out must be shrouded in  
5 secrecy to avoid shocking the public conscience and generating contempt  
6 for the state and all who participate in such ceremonial and macabre  
7 extinguishment of human life, records".

AM882

1 1. On page 2, line 15, after "injection" insert ", unless such  
2 person or entity holds a license issued by any board, agency, or  
3 department of the state or the federal government pertaining to or  
4 regulating such actions".

AM883

1 1. On page 2, line 14, after "substances" insert "approved by the  
2 federal Food and Drug Administration for use in judicial executions".

AM884

1 1. On page 2, line 17, after "disclosed" insert "except to counsel  
2 for a person charged with a Class I felony".

AM885

1 1. On page 2, line 17, after "disclosed" insert "except to counsel  
2 for a person convicted of a Class I felony".

AM886

1 1. On page 2, line 13, strike "or entity that" and insert "who" and  
2 after the last comma insert "or"; strike beginning with the second comma  
3 in line 14 through "equipment" in line 15; in line 15 after "a" insert  
4 "judicial execution by means of"; in line 16 strike "confidential and";  
5 and in line 17 strike beginning with "and" through "disclosed".

The Chair declared the call raised.

#### SELECT FILE

**LEGISLATIVE BILL 641.** Senator Schumacher offered the following motion:

MO69

Bracket until June 2, 2017.

**PRESIDENT FOLEY PRESIDING**

Senator Schumacher withdrew his motion to bracket.

Senator Watermeier offered the following amendment:  
AM893

(Amendments to E & R amendments, ER32)

1 1. Insert the following new sections:

- 2 Sec. 5. (1) The Legislature finds and declares that economic  
3 development is vitally important to the well-being of the State of  
4 Nebraska, and that the Legislature and the state would benefit from a  
5 more coordinated approach to legislation addressing economic development.  
6 (2) The Nebraska Economic Development Task Force is created. The  
7 task force shall collaborate with the Department of Economic Development  
8 and the Department of Labor to gather input on issues pertaining to  
9 economic development and discuss proactive approaches on economic  
10 development. The task force shall monitor analysis and policy development  
11 in all aspects of economic development in Nebraska. The task force shall  
12 also discuss long-range strategic plans to improve economic development  
13 within the state.  
14 (3) The Nebraska Economic Development Task Force shall be composed  
15 of three members of the Legislature appointed by the Executive Board of  
16 the Legislative Council, one from each congressional district, and the  
17 following six members: The chairperson of the Appropriations Committee of  
18 the Legislature or his or her designee, the chairperson of the Banking,  
19 Commerce and Insurance Committee of the Legislature or his or her  
20 designee, the chairperson of the Business and Labor Committee of the  
21 Legislature or his or her designee, the chairperson of the Education  
22 Committee of the Legislature or his or her designee, the chairperson of  
23 the Revenue Committee of the Legislature or his or her designee, and the  
24 chairperson of the Urban Affairs Committee of the Legislature or his or  
25 her designee. The task force members shall choose a chairperson and vice-  
26 chairperson from among the task force members.  
1 (4)(a) The Nebraska Economic Development Task Force shall meet on or  
2 before June 15, 2017, and on or before each June 15 thereafter.  
3 (b) Following the meeting required by subdivision (4)(a) of this  
4 section, the task force shall meet not less than once every three months,  
5 but shall not be required to meet while the Legislature is in session.  
6 (c) Meetings of the task force shall be called by the chairperson.  
7 (d) The task force may ask other persons or entities to attend its  
8 meetings or present information at such meetings.  
9 (e) The task force shall annually identify economic development  
10 priorities and electronically submit a report to the Legislature on or  
11 before December 31, 2017, and on or before each December 31 thereafter.  
12 (5) This section shall terminate on January 1, 2021.  
13 Sec. 6. Sections 1, 2, 3, 4, and 7 of this act become operative  
14 three calendar months after the adjournment of this legislative session.  
15 The other sections of this act become operative on their effective date.  
16 Sec. 8. Since an emergency exists, this act takes effect when

17 passed and approved according to law.  
18 2. Renumber the remaining section and the remaining amendment  
19 accordingly.  
20 3. On page 4, line 13, after the first semicolon insert "to create  
21 the Nebraska Economic Development Advisory Committee;", strike "and"  
22 and insert "to provide operative dates", and in line 14 after "sections"  
23 insert "; and to declare an emergency".

Senator Schumacher offered the following amendment to the Watermeier amendment:

FA54

Amend AM893

Insert in line 23, page 1 after the word designee, "the chairperson of the planning committee or his or her designee,"

The Schumacher amendment was adopted with 35 ayes, 1 nay, 11 present and not voting, and 2 excused and not voting.

The Watermeier amendment, as amended, was adopted with 27 ayes, 7 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment with 25 ayes, 7 nays, 15 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 161.** Senator Schumacher offered the following amendment:

AM871

1 1. Insert the following new section:

2 Sec. 2. Section 77-5727, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4 77-5727 (1)(a) If the taxpayer fails either to meet the required  
5 levels of employment or investment for the applicable project by the end  
6 of the fourth year after the end of the year the application was  
7 submitted for a tier 1, tier 3, or tier 6 project or by the end of the  
8 sixth year after the end of the year the application was submitted for a  
9 tier 2, tier 4, or tier 5 project or to utilize such project in a  
10 qualified business at employment and investment levels at or above those  
11 required in the agreement for the entire entitlement period, all or a  
12 portion of the incentives set forth in the Nebraska Advantage Act shall  
13 be recaptured or disallowed.

14 (b) In the case of a taxpayer who has failed to meet the required  
15 levels of investment or employment within the required time period, all  
16 reduction in the personal property tax because of the act shall be  
17 recaptured.

18 (2) In the case of a taxpayer who has failed to maintain the project  
19 at the required levels of employment or investment for the entire  
20 entitlement period, any reduction in the personal property tax, any  
21 refunds in tax allowed under subsection (2) of section 77-5725, and any  
22 refunds or reduction in tax allowed because of the use of a credit

23 allowed under section 77-5725 shall be partially recaptured from either  
24 the taxpayer or the owner of the improvement to real estate and any  
25 carryovers of credits shall be partially disallowed. The amount of the  
26 recapture shall be a percentage equal to the number of years the taxpayer  
27 did not maintain the project at or above the required levels of  
1 investment and employment divided by the number of years of the project's  
2 entitlement period multiplied by the refunds allowed, reduction in  
3 personal property tax, the credits used, and the remaining carryovers. In  
4 addition, the last remaining year of personal property tax exemption  
5 shall be disallowed for each year the taxpayer did not maintain such  
6 project at or above the required levels of employment or investment.

7 (3) In the case of a taxpayer qualified under tier 5 who has failed  
8 to maintain the average number of equivalent employees at the project at  
9 the end of the six years following the year the taxpayer attained the  
10 required amount of investment, any refunds in tax allowed under  
11 subsection (2) of section 77-5725 or any reduction in the personal  
12 property tax under section 77-5725 shall be partially recaptured from the  
13 taxpayer. The amount of recapture shall be the total amount of refunds  
14 and reductions in tax allowed for all years times the reduction in the  
15 average number of equivalent employees employed at the end of the  
16 entitlement period from the number of equivalent employees employed in  
17 the base year divided by the number of equivalent employees employed in  
18 the base year. For purposes of this subsection, the average number of  
19 equivalent employees shall be calculated at the end of the entitlement  
20 period by adding the number of equivalent employees in the year the  
21 taxpayer attains the required level of investment and each of the next  
22 following six years and dividing the result by seven.

23 (4) If the taxpayer receives any refunds or reduction in tax to  
24 which the taxpayer was not entitled or which were in excess of the amount  
25 to which the taxpayer was entitled, the refund or reduction in tax shall  
26 be recaptured separate from any other recapture otherwise required by  
27 this section. Any amount recaptured under this subsection shall be  
28 excluded from the amounts subject to recapture under other subsections of  
29 this section.

30 (5) Any refunds or reduction in tax due, to the extent required to  
31 be recaptured, shall be deemed to be an underpayment of the tax and shall  
1 be immediately due and payable. When tax benefits were received in more  
2 than one year, the tax benefits received in the most recent year shall be  
3 recovered first and then the benefits received in earlier years up to the  
4 extent of the required recapture.

5 (6)(a) Except as provided in subdivision (6)(b) of this section, any  
6 personal property tax that would have been due except for the exemption  
7 allowed under the Nebraska Advantage Act, to the extent it becomes due  
8 under this section, shall be considered delinquent and shall be  
9 immediately due and payable to the county or counties in which the  
10 property was located when exempted.

11 (b) For a tier 2 large data center project, any personal property  
12 tax that would have been due except for the exemption under the Nebraska  
13 Advantage Act, together with interest at the rate provided in section



14 45-104.01 from the original delinquency date of the tax that would have  
 15 been due until the date paid, to the extent it becomes due under this  
 16 section, shall be considered delinquent and shall be immediately payable  
 17 to the county or counties in which the property was located when  
 18 exempted.

19 (c) All amounts received by a county under this section shall be  
 20 allocated to each taxing unit levying taxes on tangible personal property  
 21 in the county in the same proportion that the levy on tangible personal  
 22 property of such taxing unit bears to the total levy of all of such  
 23 taxing units.

24 (7) Notwithstanding any other limitations contained in the laws of  
 25 this state, collection of any taxes deemed to be underpayments by this  
 26 section shall be allowed for a period of three years after the end of the  
 27 entitlement period.

28 (8) For a tier 6 project, any credits carried over more than one  
 29 year past the end of the entitlement period shall be subject to recapture  
 30 if, prior to the expiration of sixteen years after the end of the  
 31 entitlement period, the taxpayer moves its headquarters, if any, from  
 1 this state or reduces its after-inflation-adjusted payroll within this  
 2 state by more than ten percent from its peak payroll within this state  
 3 during the entitlement period.

4 ~~(9)~~ (8) Any amounts due under this section shall be recaptured  
 5 notwithstanding other allowable credits and shall not be subsequently  
 6 refunded under any provision of the Nebraska Advantage Act unless the  
 7 recapture was in error.

8 ~~(10)~~ (9) The recapture required by this section shall not occur if  
 9 the failure to maintain the required levels of employment or investment  
 10 was caused by an act of God or national emergency.

11 2. On page 7, line 17, strike "section 77-5726" and insert "sections  
 12 77-5726 and 77-5727".

13 3. Renumber the remaining sections and correct the repealer  
 14 accordingly.

The Schumacher amendment lost with 5 ayes, 20 nays, 19 present and not  
 voting, and 5 excused and not voting.

Senator Chambers requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 37 ayes, 2 nays,  
 5 present and not voting, and 5 excused and not voting.

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

Senator Pansing Brooks filed the following amendment to LB122:  
 AM843

1 1. On page 3, line 6, strike "shall" and insert "may".

Senator Krist filed the following amendment to LB300:

AM860

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. Section 25-228, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 25-228 (1) Notwithstanding any other provision of law:

6 (a) There shall not be any time limitation for an action against the

7 individual or individuals directly causing ~~actions for~~ an injury or

8 injuries suffered by a plaintiff when the plaintiff was a victim of a

9 violation of section 28-319.01 or 28-320.01 if such violation occurred

10 (i) on or after the effective date of this act or (ii) prior to the

11 effective date of this act if such action was not previously time barred;

12 (b) An action against the individual or individuals directly causing

13 an injury or injuries suffered by a plaintiff when the plaintiff was a

14 victim of a violation of section 28-319.01 or 28-320.01 which was time

15 barred as of the effective date of this act may be brought within thirty-

16 five years after the victim's eighteenth birthday, or within three years

17 after the effective date of this act, whichever is longer; and

18 (c) An action against any person or entity other than the individual

19 directly causing an injury or injuries suffered by a plaintiff when the

20 plaintiff was a victim of a violation of section 28-319.01 or 28-320.01

21 may ~~can~~ only be brought within twelve years after the plaintiff's twenty-

22 first birthday.

23 (2) Criminal prosecution of a defendant under section 28-319.01 or

24 28-320.01 is not required to maintain a civil action for violation of

25 such sections.

26 Sec. 2. Original section 25-228, Reissue Revised Statutes of

27 Nebraska, is repealed.

Senator Baker filed the following amendment to LB68:

AM890

(Amendments to Standing Committee amendments, AM630)

1 1. On page 18, line 22; page 19, line 26; and page 20, line 26,

2 after "metropolitan" insert "or primary".

Senator Blood filed the following amendment to LB68:

AM865

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Notwithstanding any ordinance, resolution, rule, or

4 regulation of any political subdivision of this state, any person who is

5 not otherwise prohibited by state or federal law from transporting,

6 shipping, or receiving a firearm shall be entitled to transport a firearm

7 in a motor vehicle for any lawful purpose from any place where he or she

8 may lawfully possess and carry such firearm to any other place where he

9 or she may lawfully possess and carry such firearm if, during such

10 transportation, the firearm is unloaded, and neither the firearm nor any

11 ammunition being transported is readily accessible or is directly

12 accessible from the passenger compartment of such transporting motor  
13 vehicle. In the case of a motor vehicle without a compartment separate  
14 from the driver's compartment, the firearm or ammunition shall be  
15 contained in a locked container other than the glove compartment or  
16 console.

17 Sec. 2. Section 28-101, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 28-101 Sections 28-101 to 28-1357, 28-1418.01, 28-1429.03, and  
20 28-1601 to 28-1603 and section 1 of this act shall be known and may be  
21 cited as the Nebraska Criminal Code.

22 Sec. 3. Section 28-1201, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 28-1201 For purposes of sections 28-1201 to 28-1212.04 and section 1  
25 of this act, unless the context otherwise requires:

26 (1) Firearm means any weapon which is designed to or may readily be  
27 converted to expel any projectile by the action of an explosive or frame  
1 or receiver of any such weapon;

2 (2) Fugitive from justice means any person who has fled or is  
3 fleeing from any peace officer to avoid prosecution or incarceration for  
4 a felony;

5 (3) Handgun means any firearm with a barrel less than sixteen inches  
6 in length or any firearm designed to be held and fired by the use of a  
7 single hand;

8 (4) Juvenile means any person under the age of eighteen years;

9 (5) Knife means any dagger, dirk, knife, or stiletto with a blade  
10 over three and one-half inches in length or any other dangerous  
11 instrument capable of inflicting cutting, stabbing, or tearing wounds;

12 (6) Knuckles and brass or iron knuckles means any instrument that  
13 consists of finger rings or guards made of a hard substance and that is  
14 designed, made, or adapted for the purpose of inflicting serious bodily  
15 injury or death by striking a person with a fist enclosed in the  
16 knuckles;

17 (7) Machine gun means any firearm, whatever its size and usual  
18 designation, that shoots automatically more than one shot, without manual  
19 reloading, by a single function of the trigger;

20 (8) School means a public, private, denominational, or parochial  
21 elementary, vocational, or secondary school, a private postsecondary  
22 career school as defined in section 85-1603, a community college, a  
23 public or private college, a junior college, or a university;

24 (9) Short rifle means a rifle having a barrel less than sixteen  
25 inches long or an overall length of less than twenty-six inches; and

26 (10) Short shotgun means a shotgun having a barrel or barrels less  
27 than eighteen inches long or an overall length of less than twenty-six  
28 inches.

29 Sec. 4. Section 28-1202, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 28-1202 (1)(a) Except as otherwise provided in this section, any  
1 person who carries a weapon or weapons concealed on or about his or her  
2 person, such as a handgun, a knife, brass or iron knuckles, or any other

3 deadly weapon, commits the offense of carrying a concealed weapon.  
4 (b) It is an affirmative defense that the defendant was engaged in  
5 any lawful business, calling, or employment at the time he or she was  
6 carrying any weapon or weapons and the circumstances in which such person  
7 was placed at the time were such as to justify a prudent person in  
8 carrying the weapon or weapons for the defense of his or her person,  
9 property, or family.  
10 (2) This section does not apply to a person who is:  
11 (a) Carrying a firearm in compliance with section 1 of this act; or  
12 (b) The holder of a valid permit issued under the Concealed  
13 Handgun Permit Act if the concealed weapon the defendant is carrying is a  
14 handgun.  
15 (3) Carrying a concealed weapon is a Class I misdemeanor.  
16 (4) In the case of a second or subsequent conviction under this  
17 section, carrying a concealed weapon is a Class IV felony.  
18 Sec. 5. Section 28-1351, Reissue Revised Statutes of Nebraska, is  
19 amended to read:  
20 28-1351 (1) A person commits the offense of unlawful membership  
21 recruitment into an organization or association when he or she knowingly  
22 and intentionally coerces, intimidates, threatens, or inflicts bodily  
23 harm upon another person in order to entice that other person to join or  
24 prevent that other person from leaving any organization, group,  
25 enterprise, or association whose members, individually or collectively,  
26 engage in or have engaged in any of the following criminal acts for the  
27 benefit of, at the direction of, or on behalf of the organization, group,  
28 enterprise, or association or any of its members:  
29 (a) Robbery under section 28-324;  
30 (b) Arson in the first, second, or third degree under section  
31 28-502, 28-503, or 28-504, respectively;  
1 (c) Burglary under section 28-507;  
2 (d) Murder in the first degree, murder in the second degree, or  
3 manslaughter under section 28-303, 28-304, or 28-305, respectively;  
4 (e) Violations of the Uniform Controlled Substances Act that involve  
5 possession with intent to deliver, distribution, delivery, or manufacture  
6 of a controlled substance;  
7 (f) Unlawful use, possession, or discharge of a firearm or other  
8 deadly weapon under sections 28-1201 to 28-1212.04 and section 1 of this  
9 act;  
10 (g) Assault in the first degree or assault in the second degree  
11 under section 28-308 or 28-309, respectively;  
12 (h) Assault on an officer, an emergency responder, a state  
13 correctional employee, a Department of Health and Human Services  
14 employee, or a health care professional in the first, second, or third  
15 degree under section 28-929, 28-930, or 28-931, respectively, or assault  
16 on an officer, an emergency responder, a state correctional employee, a  
17 Department of Health and Human Services employee, or a health care  
18 professional using a motor vehicle under section 28-931.01;  
19 (i) Theft by unlawful taking or disposition under section 28-511;  
20 (j) Theft by receiving stolen property under section 28-517;

21 (k) Theft by deception under section 28-512;  
 22 (l) Theft by extortion under section 28-513;  
 23 (m) Kidnapping under section 28-313;  
 24 (n) Any forgery offense under sections 28-602 to 28-605;  
 25 (o) Criminal impersonation under section 28-638;  
 26 (p) Tampering with a publicly exhibited contest under section  
 27 28-614;  
 28 (q) Unauthorized use of a financial transaction device or criminal  
 29 possession of a financial transaction device under section 28-620 or  
 30 28-621, respectively;  
 31 (r) Pandering under section 28-802;  
 1 (s) Bribery, bribery of a witness, or bribery of a juror under  
 2 section 28-917, 28-918, or 28-920, respectively;  
 3 (t) Tampering with a witness or an informant or jury tampering under  
 4 section 28-919;  
 5 (u) Unauthorized application of graffiti under section 28-524;  
 6 (v) Dogfighting, cockfighting, bearbaiting, or pitting an animal  
 7 against another under section 28-1005; or  
 8 (w) Promoting gambling in the first degree under section 28-1102.  
 9 (2) Unlawful membership recruitment into an organization or  
 10 association is a Class IV felony.  
 11 Sec. 6. Original sections 28-101, 28-1201, 28-1202, and 28-1351,  
 12 Reissue Revised Statutes of Nebraska, are repealed.

Senator Ebke filed the following amendment to LB34:  
 AM898

1 1. On page 2, line 11, strike "ten thousand" and insert "seven  
 2 thousand five hundred".

Senator Pansing Brooks filed the following amendment to LB68:  
 AM899

(Amendments to Standing Committee amendments, AM630)

1 1. On page 14, strike lines 24 through line 31.  
 2 2. On page 15, strike lines 1 through 19; and in line 20, strike  
 3 "(4)" and insert "(2)".

Senator Blood filed the following amendment to LB68:  
 AM904

(Amendments to Standing Committee amendments, AM630)

1 1. On page 18, line 22; page 19, line 26; and page 20, line 26,  
 2 after "metropolitan" insert ", primary, or first".

Senator Stinner filed the following amendment to LB222:  
 FA53

Strike the emergency clause.

Senator Hilkemann filed the following amendment to LB91:  
 AM858

1 1. Insert the following new sections:

2 Sec. 3. Section 71-522, Reissue Revised Statutes of Nebraska, is  
3 amended to read:  
4 71-522 The Department of Health and Human Services shall establish  
5 and maintain a central data registry for the collection and storage of  
6 reported data concerning inherited or congenital infant or childhood-  
7 onset metabolic diseases. The department shall use reported data to  
8 ensure that all infants born in the State of Nebraska are tested for  
9 diseases set forth in section 71-519 or by rule and regulation. The  
10 department shall also use reported data to evaluate the quality of the  
11 statewide system of newborn screening and develop procedures for quality  
12 assurance. Reported data in anonymous or statistical form may be made  
13 available by the department for purposes of research.  
14 Sec. 5. This act becomes operative July 1, 2018.  
15 2. Renumber the remaining sections and amend the repealer  
16 accordingly.

### **VISITOR(S)**

Visitors to the Chamber were Nebraska Beef Industry Scholars from UNL.

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

### **ADJOURNMENT**

At 5:02 p.m., on a motion by Senator Wayne, the Legislature adjourned until 9:00 a.m., Tuesday, April 4, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature