

**SIXTY-NINTH DAY - APRIL 21, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**SIXTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, April 21, 2017

**PRAYER**

The prayer was offered by Pastor Jason Wolter, St. John's Lutheran Church, Tecumseh.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Kuehn who was excused; and Senators Murante, Stinner, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-eighth day was approved.

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services

Room 1510

Tuesday, May 2, 2017 1:00 p.m.

Candice Arteaga - Commission for the Deaf and Hard of Hearing

(Signed) Merv Riepe, Chairperson

**COMMITTEE REPORT(S)**  
Health and Human Services

**LEGISLATIVE BILL 439.** Placed on General File with amendment.  
AM1013

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

2 sections:

3 Section 1. Section 71-406, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 71-406 ~~(1)~~ Assisted-living facility has the same meaning as in  
6 section 71-5903 means a facility where shelter, food, and care are  
7 provided for remuneration for a period of more than twenty-four  
8 consecutive hours to four or more persons residing at such facility who  
9 require or request such services due to age, illness, or physical  
10 disability.

11 ~~(2)~~ Assisted living facility does not include a home, apartment, or  
12 facility where (a) casual care is provided at irregular intervals or (b)  
13 a competent person residing in such home, apartment, or facility provides  
14 for or contracts for his or her own personal or professional services if  
15 no more than twenty-five percent of persons residing in such home,  
16 apartment, or facility receive such services.

17 Sec. 2. Section 71-5803.05, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 71-5803.05 Assisted-living facility has the same meaning as in  
20 section ~~71-5903~~ 71-406.

21 Sec. 3. Section 71-5902, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 71-5902 The purposes of the Assisted-Living Facility Act are to  
24 supplement provisions of the Health Care Facility Licensure Act relating  
25 to the licensure and regulation of assisted-living facilities, ~~and~~ to  
26 provide for the health and safety of residents of such facilities, ~~and to~~  
27 promote the goals of individualized decisionmaking and personal autonomy.

1 Sec. 4. Section 71-5903, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 71-5903 For purposes of the Assisted-Living Facility Act:

4 (1) Activities of daily living means activities such as bathing,  
5 continence, dressing, grooming, eating, mobility, toileting,  
6 transferring, and transfer, ambulation, exercise, toileting, eating,  
7 self-administration of medication; and similar activities;

8 (2) Administrator means the person responsible for day-to-day  
9 operations operating officer of an assisted-living facility and includes  
10 a person with a title such as administrator, chief executive officer,  
11 manager, superintendent, director, or other similar designation;

12 ~~(3)(a)~~ ~~(3)~~ Assisted-living facility means a residential setting that  
13 provides assisted-living services for remuneration to four or more  
14 persons who reside in such residential setting and are not related to the  
15 owner of the residential setting and, except as provided in subdivision  
16 (b) of this subdivision, includes a home, an apartment, or a facility has  
17 the same meaning as in section 71-406; and

18 ~~(b)~~ Assisted-living facility does not include a home, an apartment,  
19 or a facility in which (i) casual care is provided at irregular intervals  
20 or (ii) a competent person residing in such home, apartment, or facility  
21 provides for or contracts for his or her own personal or professional  
22 services if no more than fifty percent of the persons residing in such  
23 home, apartment, or facility receive such services;

24 ~~(4)~~ Assisted-living services means services that promote the health  
25 and safety of persons in a residential setting, including housing, three

26 meals each day, access to staff for twenty-four hours each day,  
 27 noncomplex nursing interventions, and support with activities of daily  
 28 living, and includes resident assessment for admission and continued  
 29 stay;  
 30 (5) (4) Authorized representative means (a) a person authorized by a  
 31 resident of an assisted-living facility, such as a person holding a power  
 1 of attorney or a resident designee, or authorized by a court, such as a  
 2 guardian, to manage the affairs of the resident holding a durable power  
 3 of attorney for health care, (b) a guardian, or (c) a person appointed by  
 4 a court to manage the personal affairs of a resident of an assisted-  
 5 living facility other than the facility;  
 6 (6) (5) Chemical restraint means a psychopharmacologic drug that is  
 7 used for discipline or convenience and is not required to treat medical  
 8 symptoms;  
 9 (7) (6) Complex nursing interventions means interventions which  
 10 require nursing judgment to safely alter standard procedures in  
 11 accordance with the needs of the resident, which require nursing judgment  
 12 to determine how to proceed from one step to the next, or which require a  
 13 multidimensional application of the nursing process. ~~Complex nursing~~  
 14 interventions does not include a nursing assessment;  
 15 (8) (7) Department means the Department of Health and Human  
 16 Services;  
 17 (9) Noncomplex interventions (8) ~~Health maintenance activities~~ means  
 18 nurse assessments and ~~noncomplex~~ interventions which can safely be  
 19 performed according to exact directions, which do not require alteration  
 20 of the standard procedure, and for which the results and resident  
 21 responses are predictable;  
 22 (10) Part-time or intermittent basis means not to exceed ten hours  
 23 each week for each resident for a period of time with a predictable end  
 24 within twenty-one days;  
 25 (9) ~~Personal care means bathing, hair care, nail care, shaving,~~  
 26 ~~dressings, oral care, and similar activities;~~  
 27 (11) (10) Physical restraint means any manual method or physical or  
 28 mechanical device, material, or equipment attached or adjacent to the  
 29 resident's body that he or she cannot remove easily and that restricts  
 30 freedom of movement or normal access to his or her own body; and  
 31 (12) Resident services agreement means an agreement entered into by  
 1 the resident or the resident's authorized representative and the  
 2 assisted-living facility that stipulates the responsibilities of the  
 3 assisted-living facility and the resident, identifies service needs of  
 4 the resident, outlines the services that will be provided to the resident  
 5 by the assisted-living facility and from other sources, and specifies the  
 6 cost of services provided by the assisted-living facility.  
 7 (11) Stable or predictable means that a resident's clinical and  
 8 behavioral status and nursing care needs are determined to be (a)  
 9 nonfluctuating and consistent or (b) fluctuating in an expected manner  
 10 with planned interventions, including an expected deteriorating  
 11 condition.  
 12 Sec. 5. Section 71-5904, Reissue Revised Statutes of Nebraska, is

13 amended to read:

14 71-5904 Assisted living promotes resident self-direction and  
15 participation in decisions which emphasize independence, individuality,  
16 privacy, and dignity, and residential surroundings.

17 ~~To be eligible for admission to an assisted living facility, a  
18 person shall be in need of or wish to have available room, board,  
19 assistance with or provision of personal care, activities of daily  
20 living, or health maintenance activities or supervision due to age,  
21 illness, or physical disability.~~ The administrator shall have the  
22 discretion regarding admission or retention of residents of the assisted-  
23 living facility subject to the Assisted-Living Facility Act and rules and  
24 regulations adopted and promulgated under the act.

25 Sec. 6. Section 71-5905, Revised Statutes Cumulative Supplement,  
26 2016, is amended to read:

27 71-5905 (1) An assisted-living facility shall determine if an  
28 applicant for admission to the assisted-living facility is admitted or if  
29 a resident of the assisted-living facility is retained based on the care  
30 needs of the applicant or resident, the ability to meet those care needs  
31 within the assisted-living facility, and the degree to which the  
1 admission or retention of the applicant or resident poses a danger to the  
2 applicant or resident or others. ~~not admit or retain a resident who  
3 requires complex nursing interventions or whose condition is not stable  
4 or predictable unless:~~

5 (a) ~~The resident, if he or she is not a minor and is competent to  
6 make a rational decision as to his or her needs or care, or his or her  
7 authorized representative, and his or her physician or a registered nurse  
8 agree that admission or retention of the resident is appropriate;~~

9 (b) ~~The resident or his or her authorized representative agrees to  
10 arrange for the care of the resident through appropriate private duty  
11 personnel, a licensed home health agency, or a licensed hospice; and~~

12 (c) ~~The resident's care does not compromise the facility operations  
13 or create a danger to others in the facility.~~

14 (2) Any complex nursing intervention or noncomplex intervention  
15 provided by an employee of the assisted-living facility shall be  
16 performed in accordance with applicable state law. ~~Health maintenance  
17 activities at an assisted living facility shall be performed in  
18 accordance with the Nurse Practice Act and the rules and regulations  
19 adopted and promulgated under the act.~~

20 (3) Each assisted-living facility shall provide written information  
21 about the practices of the assisted-living facility to each applicant for  
22 admission to the facility or his or her authorized representative. The  
23 information shall include:

24 (a) A description of the services provided by the assisted-living  
25 facility and the staff available to provide the services;

26 (b) The charges for services provided by the assisted-living  
27 facility;

28 (c) Whether or not the assisted-living facility accepts residents  
29 who are eligible for the medical assistance program under the Medical  
30 Assistance Act and, if applicable, the policies or limitations on access

31 to services provided by the assisted-living facility for residents who  
1 seek care paid by the medical assistance program;

2 (d) The criteria for admission to and continued residence in the  
3 assisted-living facility and the process for addressing issues that may  
4 prevent admission to or continued residence in the circumstance under  
5 which a resident would be required to leave an assisted-living facility;

6 (e) The process for developing and updating the resident services  
7 agreement; ~~and~~

8 (f) For facilities that have special care units for dementia, the  
9 additional services provided to meet the special needs of persons with  
10 dementia; ~~and~~ -

11 (g) Whether or not the assisted-living facility provides part-time  
12 or intermittent complex nursing interventions.

13 (4) Each assisted-living facility shall enter into a resident  
14 services agreement in consultation with each resident.

15 Sec. 7. Section 71-5906, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 71-5906 (1) An assisted-living facility may provide complex nursing  
18 interventions on a part-time or intermittent basis.

19 ~~(2) Every (1) On and after January 1, 2005, every~~ person seeking  
20 admission to an assisted-living facility or the authorized representative  
21 of such person shall, upon admission and annually thereafter, provide the  
22 facility with a list of drugs, devices, biologicals, and supplements  
23 being taken or being used by the person, including dosage, instructions  
24 for use, and reported use.

25 ~~(3) (2) Every person residing in an assisted-living facility on~~  
26 ~~January 1, 2005, or the authorized representative of such person shall,~~  
27 ~~within sixty days after January 1, 2005, and annually thereafter,~~ provide  
28 the facility with a list of drugs, devices, biologicals, and supplements  
29 being taken or being used by such person, including dosage, instructions  
30 for use, and reported use.

31 ~~(4) (3) An assisted-living facility shall not be subject to~~  
1 disciplinary action by the department for the failure of any person  
2 seeking admission to or residing at such facility or the authorized  
3 representative of such person to comply with subsections ~~(1) and (2) and~~  
4 ~~(3)~~ of this section.

5 ~~(5) (4) Each assisted-living facility shall provide for a registered~~  
6 nurse to review medication administration policies and procedures and to  
7 be responsible for the training of medication aides at such facility.

8 Sec. 8. Section 71-6725, Revised Statutes Cumulative Supplement,  
9 2016, is amended to read:

10 71-6725 (1) The minimum competencies for a medication aide, a person  
11 licensed to operate a child care facility or a staff member of a child  
12 care facility, or a staff member of a school shall include (a)  
13 maintaining confidentiality, (b) complying with a recipient's right to  
14 refuse to take medication, (c) maintaining hygiene and current accepted  
15 standards for infection control, (d) documenting accurately and  
16 completely, (e) providing medications according to the five rights, (f)  
17 having the ability to understand and follow instructions, (g) practicing

18 safety in application of medication procedures, (h) complying with  
19 limitations and conditions under which a medication aide may provide  
20 medications, and (i) having an awareness of abuse and neglect reporting  
21 requirements and any other areas as shall be determined by rules or  
22 regulations.

23 (2) The Department of Health and Human Services shall adopt and  
24 promulgate rules and regulations setting minimum standards for  
25 competencies listed in subsection (1) of this section and methods for  
26 competency assessment of medication aides. The Department of Health and  
27 Human Services shall adopt and promulgate rules and regulations setting  
28 methods for competency assessment of the person licensed to operate a  
29 child care facility or staff of child care facilities. The State  
30 Department of Education shall adopt and promulgate rules and regulations  
31 setting methods for competency assessment of the school staff member.

1 (3) A medication aide, except one who is employed by a nursing home,  
2 an intermediate care facility for persons with developmental  
3 disabilities, or an assisted-living facility, a person licensed to  
4 operate a child care facility or a staff member of a child care facility,  
5 or a staff member of a school shall not be required to take a course. The  
6 medication aide shall be assessed to determine that the medication aide  
7 has the competencies listed in subsection (1) of this section.

8 (4) A medication aide providing services in an assisted-living  
9 facility as defined in section ~~71-5903~~ ~~71-406~~, a nursing home, or an  
10 intermediate care facility for persons with developmental disabilities  
11 shall be required to have completed a forty-hour course on the  
12 competencies listed in subsection (1) of this section and competency  
13 standards established through rules and regulations as provided for in  
14 subsection (2) of this section, except that a medication aide who has,  
15 prior to January 1, 2003, completed a twenty-hour course and passed an  
16 examination developed and administered by the Department of Health and  
17 Human Services may complete a second twenty-hour course supplemental to  
18 the first twenty-hour course in lieu of completing the forty-hour course.  
19 The department shall adopt and promulgate rules and regulations regarding  
20 the procedures and criteria for curriculum. Competency assessment shall  
21 include passing an examination developed and administered by the  
22 department. Criteria for establishing a passing standard for the  
23 examination shall be established in rules and regulations.

24 (5) Medication aides providing services in nursing homes or  
25 intermediate care facilities for persons with developmental disabilities  
26 shall also meet the requirements set forth in section 71-6039.

27 Sec. 9. Section 71-9402, Revised Statutes Cumulative Supplement,  
28 2016, is amended to read:

29 71-9402 For purposes of the Assisting Caregiver Transitions Act:

30 (1) Activities of daily living means transfer, ambulation, exercise,  
31 toileting, eating, self-administration of medication, and similar  
1 activities;

2 (2) Aftercare means assistance provided by a caregiver to a patient  
3 in the patient's residence after the patient's discharge from a hospital  
4 following an inpatient stay and may include, but is not limited to, (a)

5 assisting with activities of daily living and (b) carrying out medical or  
 6 nursing tasks, including, but not limited to, managing wound care,  
 7 assisting in administration of medication, and operating medical  
 8 equipment;  
 9 (3) Caregiver means a person nineteen years of age or older who is  
 10 designated by a patient or a patient's legal guardian to provide  
 11 aftercare;  
 12 (4) Hospital means a general acute hospital as defined in section  
 13 71-412; and  
 14 (5) Residence means the home in which a patient resides. Residence  
 15 does not include an assisted-living facility as defined in section  
 16 ~~71-5903~~ 71-406, a group home, a hospital as defined in section 71-419, an  
 17 intermediate care facility as defined in section 71-420, a rehabilitation  
 18 hospital as defined in section 71-427 or other rehabilitation facility, a  
 19 nursing facility as defined in section 71-424, or a skilled nursing  
 20 facility as defined in section 71-429.  
 21 Sec. 10. Original sections 71-406, 71-5803.05, 71-5902, 71-5903,  
 22 71-5904, and 71-5906, Reissue Revised Statutes of Nebraska, and sections  
 23 71-5905, 71-6725, and 71-9402, Revised Statutes Cumulative Supplement,  
 24 2016, are repealed.

(Signed) Merv Riepe, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 110.** Introduced by Stinner, 48.

WHEREAS, Raymond Palmer and Traiton Brunner, members of Troop 17 of Gering, and Jim Eastman, member of Troop 13 of Gering, have 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. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout their scouting experience, Raymond, Traiton, and Jim have 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, Raymond, Traiton, and Jim, through their hard work and perseverance, have 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 Raymond Palmer, Traiton Brunner, and Jim Eastman on achieving the rank of Eagle Scout.
2. That copies of this resolution be sent to Raymond Palmer, Traiton Brunner, and Jim Eastman.

Laid over.

**MESSAGE(S) FROM THE GOVERNOR**

April 21, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Board of Health:

Joel Bessmer, M.D., 9461 Jackson Circle, Omaha, NE 68114

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

April 21, 2017

Mr. President, Speaker Scheer  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Rural Health Advisory Commission:

Kyle Klammer, 707 Lemay Drive, Bellevue, NE 68005



The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 20, 2017, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Hunter-Pirtle, Ann  
Stand for Schools  
Kelley Plucker, LLC  
Omaha Airport Authority  
Lautenbaugh, Scott  
K12, Inc.  
Robertson, Rob J.  
Nebraska Farm Bureau Federation

### **REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

### **GENERAL FILE**

**LEGISLATIVE BILL 268A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

### **COMMITTEE REPORT(S)** Appropriations

**LEGISLATIVE BILL 328.** Placed on General File.

**LEGISLATIVE BILL 329.** Placed on General File with amendment. AM592 is available in the Bill Room.

**LEGISLATIVE BILL 330.** Placed on General File with amendment. AM593 is available in the Bill Room.

**LEGISLATIVE BILL 149.** Placed on General File with amendment. AM962 is available in the Bill Room.

**LEGISLATIVE BILL 327.** Placed on General File with amendment. AM590 is available in the Bill Room.

**LEGISLATIVE BILL 331.** Placed on General File with amendment. AM594 is available in the Bill Room.

**LEGISLATIVE BILL 332.** Placed on General File with amendment. AM595

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

2 sections:

3 Section 1. Section 84-612, Revised Statutes Cumulative Supplement,  
4 2016, is amended to read:

5 84-612 (1) There is hereby created within the state treasury a fund  
6 known as the Cash Reserve Fund which shall be under the direction of the  
7 State Treasurer. The fund shall only be used pursuant to this section.

8 (2) The State Treasurer shall transfer funds from the Cash Reserve  
9 Fund to the General Fund upon certification by the Director of  
10 Administrative Services that the current cash balance in the General Fund  
11 is inadequate to meet current obligations. Such certification shall  
12 include the dollar amount to be transferred. Any transfers made pursuant  
13 to this subsection shall be reversed upon notification by the Director of  
14 Administrative Services that sufficient funds are available.

15 (3) In addition to receiving transfers from other funds, the Cash  
16 Reserve Fund shall receive federal funds received by the State of  
17 Nebraska for undesignated general government purposes, federal revenue  
18 sharing, or general fiscal relief of the state.

19 (4) The State Treasurer, at the direction of the budget  
20 administrator of the budget division of the Department of Administrative  
21 Services, shall transfer not to exceed forty-three million fifteen  
22 thousand four hundred fifty-nine dollars in total from the Cash Reserve  
23 Fund to the Nebraska Capital Construction Fund between July 1, 2013, and  
24 June 30, ~~2018~~ 2017.

25 (5) The State Treasurer shall transfer the following amounts from  
26 the Cash Reserve Fund to the Nebraska Capital Construction Fund on such  
27 dates as directed by the budget administrator of the budget division of  
1 the Department of Administrative Services:

2 (a) Seven million eight hundred four thousand two hundred ninety-two  
3 dollars on or after June 15, 2016, but before June 30, 2016;

4 (b) ~~Ten million five thousand one hundred twenty-nine~~ ~~Seven million~~  
5 ~~one hundred sixty thousand four hundred twelve~~ dollars on or after June  
6 15, 2019, but before June 30, 2019; ~~and~~

7 (c) ~~Ten million four hundred thirty-one thousand five hundred~~  
8 ~~eighty-five~~ ~~Nine million four hundred ninety two thousand five hundred~~  
9 ~~sixty-eight~~ dollars on or after June 15, 2021, but before June 30,  
10 2021. ; ~~and~~

11 (d) ~~Three million seven hundred eighty three thousand seven hundred~~  
12 ~~thirty-four~~ dollars after June 15, 2023, but before June 30, 2023.

13 (6) ~~The State Treasurer shall transfer seventy-five million two~~

14 hundred fifteen thousand three hundred thirteen dollars from the Cash  
15 Reserve Fund to the Nebraska Capital Construction Fund on or before July  
16 31, 2017, on such date as directed by the budget administrator of the  
17 budget division of the Department of Administrative Services.  
18 (7) The State Treasurer shall transfer forty-three million dollars  
19 from the Cash Reserve Fund to the General Fund after July 1, 2018, but  
20 before July 15, 2018, on such date as directed by the budget  
21 administrator of the budget division of the Department of Administrative  
22 Services.  
23 (8) The State Treasurer shall transfer forty-three million dollars  
24 from the Cash Reserve Fund to the General Fund after October 1, 2018, but  
25 before October 15, 2018, on such date as directed by the budget  
26 administrator of the budget division of the Department of Administrative  
27 Services.  
28 (9) The State Treasurer shall transfer forty-three million dollars  
29 from the Cash Reserve Fund to the General Fund after January 1, 2019, but  
30 before January 15, 2019, on such date as directed by the budget  
31 administrator of the budget division of the Department of Administrative  
1 Services.  
2 (10) The State Treasurer shall transfer forty-four million dollars  
3 from the Cash Reserve Fund to the General Fund after April 1, 2019, but  
4 before April 15, 2019, on such date as directed by the budget  
5 administrator of the budget division of the Department of Administrative  
6 Services.  
7 ~~(6) The State Treasurer shall transfer twenty seven million two~~  
8 ~~hundred seventy five thousand five hundred fifty eight dollars from the~~  
9 ~~Cash Reserve Fund to the Nebraska Capital Construction Fund on or before~~  
10 ~~June 30, 2016, on such date as directed by the budget administrator of~~  
11 ~~the budget division of the Department of Administrative Services.~~  
12 ~~(7) The State Treasurer shall transfer thirteen million seven~~  
13 ~~hundred thousand dollars from the Cash Reserve Fund to the Critical~~  
14 ~~Infrastructure Facilities Cash Fund on or before June 30, 2016, on such~~  
15 ~~date as directed by the budget administrator of the budget division of~~  
16 ~~the Department of Administrative Services.~~  
17 ~~(8) The State Treasurer shall transfer fifty million dollars from~~  
18 ~~the Cash Reserve Fund to the Transportation Infrastructure Bank Fund, on~~  
19 ~~or after July 1, 2016, but before July 15, 2016, on such date as directed~~  
20 ~~by the budget administrator of the budget division of the Department of~~  
21 ~~Administrative Services for expenditures authorized by sections 39-2803~~  
22 ~~to 39-2807.~~  
23 Sec. 2. Original section 84-612, Revised Statutes Cumulative  
24 Supplement, 2016, is repealed.  
25 Sec. 3. Since an emergency exists, this act takes effect when  
26 passed and approved according to law.

(Signed) John Stinner, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 461.** Title read. Considered.

Committee AM954, found on page 954, was offered.

Senator Smith offered his amendment, AM965, found on page 959, to the committee amendment.

Senator Smith asked unanimous consent to withdraw his amendment, AM965, found on page 959, and replace it with his substitute amendment, AM1129, to the committee amendment.

AM1129

(Amendments to Standing Committee amendments, AM954)

- 1 1. On page 3, line 18, strike "The county assessor shall use" and
- 2 insert "All agricultural land and horticultural land shall be assessed
- 3 for taxation purposes using".
- 4 2. On page 4, line 4, strike "land capability groups by the Property
- 5 Tax Administrator" and insert "productivity groups by the Agricultural
- 6 Land Valuation Committee"; in line 6 after "by" insert "the committee,"
- 7 and after "assessors" insert an underscored comma; in line 9 after "to"
- 8 insert "group soil classifications into productivity groups by class or
- 9 subclass of property. The committee shall also"; in line 10 strike
- 10 "agricultural land and horticultural land" and insert "productivity
- 11 groups"; in line 11 after "rates" insert "for each class and subclass of
- 12 agricultural land and horticultural land in each county as"; and strike
- 13 beginning with "either" in line 26 through "Institute" in line 28 and
- 14 insert "an Accredited Rural Appraiser designation granted by the American
- 15 Society of Farm Managers and Rural Appraisers".
- 16 3. On page 5, strike beginning with "and" in line 2 through the
- 17 second occurrence of "land" in line 3 and insert "for each productivity
- 18 group"; in line 7 after the period insert "The committee shall meet in
- 19 November 2017 to establish capitalization rates for each class or
- 20 subclass of agricultural land and horticultural land as provided in
- 21 section 7 of this act. Beginning in November 2018 and each November
- 22 thereafter, the committee shall review the capitalization rates and make
- 23 adjustments as necessary to ensure uniform and proportionate assessments
- 24 of all agricultural land and horticultural land."; in line 8 strike "such
- 25 meeting" and insert "the committee's meetings"; in line 15 strike "value"
- 26 and insert "productivity"; and in line 18 strike "Gross" and insert "For
- 1 irrigated cropland and dryland cropland, gross".
- 2 4. On page 5, lines 24, 30, and 31; page 6, lines 12 and 30; page 7,
- 3 lines 12, 20, and 25; and page 11, line 25, strike "land capability" and
- 4 insert "productivity".
- 5 5. On page 8, lines 30 and 31, strike "capitalization rate" and
- 6 insert "agricultural-use values".
- 7 6. On page 24, line 11, after "Board" insert "in its October
- 8 forecast".
- 9 7. On page 25, after line 14 insert:

10 "(6) Beginning in November 2019, if the expected rate of growth in  
11 net General Fund receipts, as determined under subsection (3) of this  
12 section, exceeds four and one-half percent for the upcoming fiscal year,  
13 the Tax Rate Review Committee shall declare a property tax credit  
14 increase for the next property tax year. If the Tax Rate Review Committee  
15 declares a property tax credit increase, the State Treasurer shall  
16 transfer twenty million dollars from the General Fund to the Property Tax  
17 Credit Cash Fund on or before the second March 15 following the  
18 declaration, as directed by the budget administrator of the budget  
19 division of the Department of Administrative Services."  
20 8. On page 37, line 11, strike the first comma and show as stricken,  
21 after "each" insert "tax", and after "thereafter" insert "through tax  
22 year 2018"; and in line 14 after the period insert "For tax year 2019,  
23 the credit amount shall be one hundred forty-six dollars. For tax year  
24 2020 and each tax year thereafter, the credit amount shall be adjusted  
25 for inflation by the method provided in section 151 of the Internal  
26 Revenue Code of 1986, as amended. The one-hundred-forty-six-dollar credit  
27 amount shall be adjusted for cumulative inflation since 2019."  
28 9. On page 43, line 3, after "revenue" insert "plus any amounts  
29 transferred to the Property Tax Credit Cash Fund under subsection (6) of  
30 section 77-2715.01".

Senator Harr objected.

Senator Smith moved to withdraw his amendment, AM965, found on page 959, and replace it with his substitute amendment, AM1129, to the committee amendment.

Senator Krist offered the following motion:

MO94

Recommit to the Revenue Committee.

Senator Chambers offered the following motion:

MO95

Bracket until June 2, 2017.

Senator Chambers withdrew his motion to bracket.

**SPEAKER SCHEER PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Pending.

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 644.** Placed on General File with amendment.

AM1111

1 1. Strike original sections 2 to 6, 8 to 16, 18 to 31, 40, and 51 to  
2 53 and insert the following new section:

3 Section 1. The Legislative Council may permit an employee of the  
4 Legislative Council to participate in volunteer activities at a public  
5 elementary, middle, or high school, or a nonprofit organization that  
6 focuses on such education, during normal work hours, without loss of pay,  
7 vacation time, sick leave, or earned overtime accumulation.

8 2. On page 61, strike beginning with "2-945.02" in line 30 through  
9 line 31 and insert "2-3815,".

10 3. On page 62, line 1, strike "24-812,"; strike beginning with  
11 "38-108" in line 1 through line 2; in line 4 strike "49-1499.02," and  
12 "71-8237," and after "68-949," insert "and"; in line 5 strike "71-8241,  
13 and 84-1411,"; in line 6 strike "2-958.02,"; in line 9 strike "2-965.01,  
14 2-1803,"; strike beginning with "24-802" in line 9 through line 10; in  
15 line 12 strike beginning with "68-957" through the last comma; strike  
16 beginning with "71-7101" in line 14 through "71-8806," in line 16; in  
17 line 18 strike "68-959,"; in line 19 strike "71-8804, 71-8805," and after  
18 the last comma insert "and"; and in line 20 strike "and 81-2,294,".

19 4. Renumber the remaining sections accordingly.

**LEGISLATIVE RESOLUTION 1CA.** Placed on General File.**LEGISLATIVE BILL 451.** Placed on General File with amendment.

AM1137

1 1. Insert the following new sections:

2 Section 1. Section 18-2713, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 18-2713 Before adopting an economic development program, a city  
5 shall submit the question of its adoption to the registered voters at an  
6 election. The governing body of the city shall order the submission of  
7 the question by filing a certified copy of the resolution proposing the  
8 economic development program with the election commissioner or county  
9 clerk not later than ~~fifty forty-one~~ days prior to a special election or  
10 a municipal primary or general election which is not held at the  
11 statewide primary or general election or not later than March 1 ~~forty~~  
12 ~~days~~ prior to a statewide primary election or September 1 prior to a  
13 statewide general election. The question on the ballot shall briefly set  
14 out the terms, conditions, and goals of the proposed economic development  
15 program, including the length of time during which the program will be in  
16 existence, the year or years within which the funds from local sources of  
17 revenue are to be collected, the source or sources from which the funds  
18 are to be collected, the total amount to be collected for the program  
19 from local sources of revenue, and whether the city proposes to issue  
20 bonds pursuant to the Local Option Municipal Economic Development Act to

21 provide funds to carry out the economic development program. The ballot  
22 question shall also specify whether additional funds from other noncity  
23 sources will be sought beyond those derived from local sources of  
24 revenue. In addition to all other information, if the funds are to be  
25 derived from the city's property tax, the ballot question shall state the  
26 present annual cost of the economic development program per ten thousand  
27 dollars of assessed valuation based upon the most recent valuation of the  
1 city certified to the Property Tax Administrator pursuant to section  
2 77-1613.01. The ballot question shall state: "Shall the city of (name of  
3 the city) establish an economic development program as described here by  
4 appropriating annually from local sources of revenue \$..... for .....  
5 years?". If the only city revenue source for the proposed economic  
6 development program is a local option sales tax that has not yet been  
7 approved at an election, the ballot question specifications in this  
8 section may be repeated in the sales tax ballot question.

9 If a majority of those voting on the issue vote in favor of the  
10 question, the governing body may implement the proposed economic  
11 development program upon the terms set out in the resolution. If a  
12 majority of those voting on the economic development program vote in  
13 favor of the question when the only city revenue source is a proposed  
14 sales tax and a majority of those voting on the local option sales tax  
15 vote against the question, the governing body shall not implement the  
16 economic development program, and it shall become null and void. If a  
17 majority of those voting on the issue vote against the question, the  
18 governing body shall not implement the economic development program.  
19 Sec. 3. Section 32-301, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 32-301 (1) The Secretary of State shall implement, in a uniform and  
22 nondiscriminatory manner, a single, uniform, official, centralized,  
23 interactive computerized statewide voter registration list defined,  
24 maintained, and administered at the office of the Secretary of State that  
25 contains the name and registration information of every legally  
26 registered voter in the state and assigns a unique identifier to each  
27 legally registered voter in the state. The computerized list shall serve  
28 as the single system for storing and managing the official list of  
29 registered voters throughout the state and shall comprise the voter  
30 registration register. The computerized list shall be coordinated with  
31 other agency data bases within the state and shall be available for  
1 electronic access by election commissioners and county clerks. The  
2 computerized list shall serve as the official voter registration list for  
3 the conduct of all elections under the Election Act. The Secretary of  
4 State shall provide such support as may be required so that election  
5 commissioners and county clerks are able to electronically enter voter  
6 registration information obtained by such officials on an expedited basis  
7 at the time the information is received. The Secretary of State shall  
8 provide adequate technological security measures to prevent unauthorized  
9 access to the computerized list. ~~No General Funds shall be appropriated  
10 for purposes of this list, and funds available in the Election  
11 Administration Fund may be used for such purposes.~~

12 (2) The election commissioner or county clerk shall provide for the  
13 registration of the electors of the county. Upon receipt of a voter  
14 registration application in his or her office from an eligible elector,  
15 the election commissioner or county clerk shall enter the information  
16 from the application in the voter registration register and may create an  
17 electronic image, photograph, microphotograph, or reproduction in an  
18 electronic digital format to be used as the voter registration record.

19 The election commissioner or county clerk shall provide a precinct list  
20 of registered voters for each precinct for the use of judges and clerks  
21 of election in their respective precincts on election day. An  
22 electronically prepared list of registered voters in a form prescribed by  
23 the Secretary of State shall meet the requirements for a precinct list of  
24 registered voters.

25 Sec. 4. Section 32-304, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 32-304 (1) The Secretary of State in conjunction with the Department  
28 of Motor Vehicles shall, on or before September 1, 2015, develop and  
29 implement a registration application process which may be used statewide  
30 to register to vote and update voter registration records electronically  
31 using the Secretary of State's web site. An applicant who has a valid  
1 Nebraska motor vehicle operator's license or state identification card  
2 may use the application process to register to vote or to update his or  
3 her voter registration record with changes in his or her personal  
4 information or other information related to his or her eligibility to  
5 vote. For each electronic application, the Secretary of State shall  
6 obtain a copy of the electronic representation of the applicant's  
7 signature from the Department of Motor Vehicles' records of his or her  
8 motor vehicle operator's license or state identification card for  
9 purposes of voter registration.

10 (2) The application shall contain substantially all the information  
11 provided in section 32-312 and the following informational statements:

12 (a) An applicant who submits this application electronically is  
13 affirming that the information in the application is true. Any applicant  
14 who submits this application electronically knowing that any of the  
15 information in the application is false shall be guilty of a Class IV  
16 felony under section 32-1502 of the statutes of Nebraska. The penalty for  
17 a Class IV felony is up to two five years imprisonment and twelve months  
18 of post-release supervision, a fine of up to ten thousand dollars, or  
19 both;

20 (b) An applicant who submits this application electronically is  
21 agreeing to the use of his or her signature from the Department of Motor  
22 Vehicles' records of his or her motor vehicle operator's license or state  
23 identification card for purposes of voter registration;

24 (c) To vote at the polling place on election day, the completed  
25 application must be submitted on or before the third Friday before the  
26 election; and

27 (d) The election commissioner or county clerk will, upon receipt of  
28 the application for registration, send an acknowledgment of registration  
29 to the applicant indicating whether the application is proper or not.



30 Sec. 5. Section 32-312, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1 32-312 The registration application prescribed by the Secretary of  
2 State pursuant to section 32-304 or 32-311.01 shall provide the  
3 instructional statements and request the information from the applicant  
4 as provided in this section.

5 CITIZENSHIP—"Are you a citizen of the United States of America?"  
6 with boxes to check to indicate whether the applicant is or is not a  
7 citizen of the United States.

8 AGE—"Are you at least eighteen years of age or will you be eighteen  
9 years of age on or before the first Tuesday following the first Monday of  
10 November of this year?" with boxes to check to indicate whether or not  
11 the applicant will be eighteen years of age or older on election day.

12 WARNING—"If you checked 'no' in response to either of these  
13 questions, do not complete this application."

14 NAME—the name of the applicant giving the first and last name in  
15 full, the middle name in full or the middle initial, and the maiden name  
16 of the applicant, if applicable.

17 RESIDENCE—the name and number of the street, avenue, or other  
18 location of the dwelling where the applicant resides if there is a  
19 number. If the registrant resides in a hotel, apartment, tenement house,  
20 or institution, such additional information shall be included as will  
21 give the exact location of such registrant's place of residence. If the  
22 registrant lives in an incorporated or unincorporated area not identified  
23 by the use of roads, road names, or house numbers, the registrant shall  
24 state the section, township, and range of his or her residence and the  
25 corporate name of the school district as described in section 79-405 in  
26 which he or she is located.

27 POSTAL ADDRESS—the address at which the applicant receives mail if  
28 different from the residence address.

29 ADDRESS OF LAST REGISTRATION—the name and number of the street,  
30 avenue, or other location of the dwelling from which the applicant last  
31 registered.

1 TELEPHONE NUMBERS—the telephone number of the applicant at work and  
2 at home. At the request of the applicant, a designation shall be made  
3 that the telephone number is an unlisted number, and such designation  
4 shall preclude the listing of the applicant's telephone number on any  
5 list of voter registrations.

6 EMAIL ADDRESS—an email address of the applicant. At the request of  
7 the applicant, a designation shall be made that the email address is  
8 private, and such designation shall preclude the listing of the  
9 applicant's email address on any list of voter registrations.

10 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL SECURITY  
11 NUMBER—if the applicant has a Nebraska driver's license, the license  
12 number, and if the applicant does not have a Nebraska driver's license,  
13 the last four digits of the applicant's social security number.

14 DATE OF APPLICATION FOR REGISTRATION—the month, day, and year when  
15 the applicant presented himself or herself for registration, when the  
16 applicant completed and signed the registration application if the

17 application was submitted by mail or delivered to the election official  
18 by the applicant's personal messenger or personal agent, or when the  
19 completed application was submitted if the registration application was  
20 completed pursuant to section 32-304.

21 PLACE OF BIRTH—show the state, country, kingdom, empire, or dominion  
22 where the applicant was born.

23 DATE OF BIRTH—show the date of the applicant's birth. The applicant  
24 shall be at least eighteen years of age or attain eighteen years of age  
25 on or before the first Tuesday after the first Monday in November to have  
26 the right to register and vote in any election in the present calendar  
27 year.

28 REGISTRATION TAKEN BY—show the signature of the authorized official  
29 or staff member accepting the application pursuant to section 32-309 or  
30 32-310 or at least one of the deputy registrars taking the application  
31 pursuant to section 32-306, if applicable.

1 PARTY AFFILIATION—show the party affiliation of the applicant as  
2 Democrat, Republican, or Other ..... or show no party affiliation as  
3 Nonpartisan. (Note: If you wish to vote in both partisan and nonpartisan  
4 primary elections for state and local offices, you must indicate a  
5 political party affiliation on the registration application. If you  
6 register without a political party affiliation (nonpartisan), you will  
7 receive only the nonpartisan ballots for state and local offices at  
8 primary elections. If you register without a political party affiliation,  
9 you may vote in partisan primary elections for congressional offices.)

10 OTHER—information the Secretary of State determines will assist in  
11 the proper and accurate registration of the voter.

12 Immediately following the spaces for inserting information as  
13 provided in this section, the following statement shall be printed:

14 To the best of my knowledge and belief, I declare under penalty of  
15 election falsification that:

16 (1) I live in the State of Nebraska at the address provided in this  
17 application;

18 (2) I have not been convicted of a felony or, if convicted, it has  
19 been at least two years since I completed my sentence for the felony,  
20 including any parole term;

21 (3) I have not been officially found to be non compos mentis  
22 (mentally incompetent); and

23 (4) I am a citizen of the United States.

24 Any registrant who signs this application knowing that any of the  
25 information in the application is false shall be guilty of a Class IV  
26 felony under section 32-1502 of the statutes of Nebraska. The penalty for  
27 a Class IV felony is up to two ~~five~~ years imprisonment and twelve months  
28 of post-release supervision, a fine of up to ten thousand dollars, or  
29 both.

30 APPLICANT'S SIGNATURE—require the applicant to affix his or her  
31 signature to the application.

1 Sec. 11. Section 32-915, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 32-915 (1) A person whose name does not appear on the precinct list

4 of registered voters at the polling place for the precinct in which he or  
5 she resides, whose name appears on the precinct list of registered voters  
6 at the polling place for the precinct in which he or she resides at a  
7 different residence address as described in section 32-914.02, or whose  
8 name appears with a notation that he or she received a ballot for early  
9 voting may vote a provisional ballot if he or she:

10 (a) Claims that he or she is a registered voter who has continuously  
11 resided in the county in which the precinct is located since registering  
12 to vote;

13 (b) Is not entitled to vote under section 32-914.01 or 32-914.02;

14 (c) Has not registered to vote or voted in any other county since  
15 registering to vote in the county in which the precinct is located;

16 (d) Has appeared to vote at the polling place for the precinct to  
17 which the person would be assigned based on his or her residence address;  
18 and

19 (e) Completes and signs a registration application before voting.

20 (2) A voter whose name appears on the precinct list of registered  
21 voters for the polling place with a notation that the voter is required  
22 to present identification pursuant to section 32-318.01 but fails to  
23 present identification may vote a provisional ballot if he or she  
24 completes and signs a registration application before voting.

25 (3) Each person voting by provisional ballot shall enclose his or  
26 her ballot in an envelope marked Provisional Ballot and shall, by signing  
27 the certification on the front of the envelope or a separate form  
28 attached to the envelope, certify to the following facts:

29 (a) I am a registered voter in ..... County;

30 (b) My name or address did not correctly appear on the precinct list  
31 of registered voters;

1 (c) I registered to vote on or about this date .....

2 (d) I registered to vote

3 .... in person at the election office or a voter registration site,

4 .... by mail,

5 .... by using the Secretary of State's web site,

6 .... through the Department of Motor Vehicles,

7 .... on a form through another state agency,

8 .... in some other way;

9 (e) I have not resided outside of this county or voted outside of  
10 this county since registering to vote in this county;

11 (f) My current address is shown on the registration application  
12 completed as a requirement for voting by provisional ballot; and

13 (g) I am eligible to vote in this election and I have not voted and  
14 will not vote in this election except by this ballot.

15 (4) The voter shall sign the certification under penalty of election  
16 falsification. The following statements shall be on the front of the  
17 envelope or on the attached form: By signing the front of this envelope  
18 or the attached form you are certifying to the information contained on  
19 this envelope or the attached form under penalty of election  
20 falsification. Election falsification is a Class IV felony and may be  
21 punished by up to two ~~five~~ years imprisonment and twelve months of post-

22 release supervision, a fine of up to ten thousand dollars, or both.

23 (5) If the person's name does not appear on the precinct list of  
24 registered voters for the polling place and the judge or clerk of  
25 election determines that the person's residence address is located in  
26 another precinct within the same county, the judge or clerk of election  
27 shall direct the person to his or her correct polling place to vote.

28 Sec. 12. Section 32-939, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 32-939 (1) As provided in section 32-939.02, the persons listed in  
31 this subsection who are residents of Nebraska but who reside outside of  
1 Nebraska or the United States shall be allowed to simultaneously register  
2 to vote and make application for ballots for all elections in a calendar  
3 year through the use of the Federal Post Card Application or a personal  
4 letter which includes the same information as appears on the Federal Post  
5 Card Application:

6 (a) Members of the armed forces of the United States or the United  
7 States Merchant Marine, and their spouses and dependents residing with  
8 them who are absent from the state;

9 (b) Citizens temporarily residing outside of the United States and  
10 the District of Columbia; and

11 (c) Overseas citizens.

12 (2)(a) As provided in section 32-939.02, a person who is the age of  
13 an elector and a citizen of the United States residing outside the United  
14 States, who has never resided in the United States, who has not  
15 registered to vote in any other state of the United States, and who has a  
16 parent registered to vote within this state shall be eligible to register  
17 to vote and vote in one county in which either one of his or her parents  
18 is a registered voter.

19 (b) A person registering to vote or voting pursuant to this  
20 subsection shall sign and enclose with the registration application and  
21 with the ballot being voted a form provided by the election commissioner  
22 or county clerk substantially as follows: I am the age of an elector and  
23 a citizen of the United States residing outside the United States, I have  
24 never resided in the United States, I have not registered to vote in any  
25 other state of the United States, and I have a parent registered to vote  
26 in ..... County, Nebraska. I hereby declare, under penalty of  
27 election falsification, a Class IV felony, that the statements above are  
28 true to the best of my knowledge.

29 THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO  
30 ~~FIVE~~ YEARS AND TWELVE MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO  
31 EXCEED TEN THOUSAND DOLLARS, OR BOTH.

1 (Signature of Voter) .....

2 2. On page 2, line 10, reinstate the stricken "or" and after "or"

3 insert "file for an elective office during his or her term".

4 3. On page 5, lines 29 and 31, strike "forty-five" and insert

5 "forty-two".

6 4. On page 7, line 30, strike "unsealed identification envelope" and

7 insert "oath"; and in line 31 strike ", and upon the back of the envelope

8 shall be printed" and insert "and shall be in".

9 5. On page 8, lines 3 and 11, strike "enclosed"; and strike  
10 beginning with the comma in line 5 through the second "envelope" in line  
11 6.  
12 6. Renumber the remaining sections and correct the repealer  
13 accordingly.

(Signed) John Murante, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Natural Resources

Room 1525

Tuesday, May 2, 2017 1:00 p.m.

Mark Czaplewski - Nebraska Natural Resources Commission

(Signed) Dan Hughes, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 111.** Introduced by Bolz, 29.

WHEREAS, a site near Lincoln was chosen as the future site for Union College on February 7, 1890. On September 24, 1891, Union College was dedicated as a Seventh-day Adventist institution of higher learning; and

WHEREAS, the town of College View was founded simultaneously with Union College and annexed by the city of Lincoln in 1929; and

WHEREAS, Union College opened for classes on September 30, 1891; and

WHEREAS, today, Union College occupies 50 acres in southeast Lincoln and is an anchor of the College View Neighborhood. The college has grown to offer bachelors' degrees in more than 50 majors; and

WHEREAS, Union College enrolled 903 students from 42 different states and 36 different countries in the 2015-2016 academic year; and

WHEREAS, Union College alumni reside in all 50 states; and

WHEREAS, Union students have made lasting contributions to the state, including through the Annual Project Impact day of service, when 80 percent of the Union College student population volunteers for over 50 Nebraska social service agencies; and

WHEREAS, Union College began celebrating its 125th anniversary during its Alumni Homecoming in 2016 and will continue the celebration until its Alumni Homecoming in 2017.

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

1. That the Legislature recognizes the 125th anniversary of the founding of Union College.

2. That a copy of this resolution be sent to Union College.

Laid over.

**LEGISLATIVE RESOLUTION 112.** Introduced by Kolterman, 24.

WHEREAS, York Chief of Police Don Klug's law enforcement career spans 41 years; and

WHEREAS, Chief Klug began his career with the Norfolk Police Department in January of 1976 and was promoted to sergeant in 1979. He served as a shift commander until 1988 when he assumed supervisory responsibilities for the Criminal Investigation Unit; and

WHEREAS, Don attended the FBI National Academy in 1991; and

WHEREAS, in 1993, Don accepted the position as Chief of Police in York; and

WHEREAS, there are many lives that Chief Klug has touched in a positive way. He has been a mentor for many officers who have led successful careers in both law enforcement and the private sector; and

WHEREAS, Chief Klug will retire on April 25, 2017, knowing that the citizens of York are in the very capable hands of the many dedicated and professional men and women of the York Police Department.

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

1. That the Legislature honors Chief Don Klug for his years of service to the citizens of York and Norfolk and congratulates him on his retirement.
2. That a copy of this resolution be sent to Chief Don Klug.

Laid over.

#### **GENERAL FILE**

**LEGISLATIVE BILL 461.** The Krist motion, MO94, found in this day's Journal, to recommit to the Revenue Committee, was renewed.

Senator Brasch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

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

Senator Krist requested a roll call vote, in reverse order, on the motion to recommit to committee.

Voting in the affirmative, 15:

Blood	Crawford	Krist	Quick	Walz
Bolz	Hansen	Morfeld	Schumacher	Wayne
Chambers	Kolowski	Pansing Brooks	Vargas	Wishart

Voting in the negative, 29:

Albrecht	Clements	Groene	Lindstrom	Riepe
Baker	Craighead	Halloran	Linehan	Scheer
Bostelman	Ebke	Hilgers	Lowe	Smith
Brasch	Erdman	Hughes	McCollister	Stinner
Brewer	Friesen	Kolterman	McDonnell	Williams
Briese	Geist	Larson	Murante	

Present and not voting, 3:

Harr            Hilkemann    Watermeier

Excused and not voting, 2:

Howard        Kuehn

The Krist motion to recommit to committee failed with 15 ayes, 29 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Harr offered the following motion:

MO96

Reconsider the vote taken to recommit to committee.

#### **SPEAKER SCHEER PRESIDING**

Pending.

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 409.** Placed on Select File with amendment.

ER60

1 1. On page 1, line 2, strike "section" and insert "sections"; in  
 2 line 3 after the first comma insert "79-1009, and 79-10,145,"; in line 5  
 3 after the second semicolon insert "to change net option funding;"; and in  
 4 line 6 after the second semicolon insert "to change the learning  
 5 community transition aid calculation;".

**LEGISLATIVE BILL 259.** Placed on Select File with amendment.

ER66

1 1. On page 1, strike beginning with "criminal" in line 1 through  
 2 line 4 and insert "courts; to amend sections 25-1577, 29-901, 29-901.01,  
 3 29-1823, 29-2206, 29-2206.01, 29-2277, 29-2278, 29-2279, 29-2404,  
 4 29-2412, and 60-692, Reissue Revised Statutes of Nebraska, and section  
 5 60-4,100, Revised Statutes Cumulative Supplement, 2016; to change

6 provisions relating to conditions of and ability to post bail, debt  
 7 collection procedures, pretrial release, competency in criminal  
 8 defendants, and financial ability to pay fines or costs or a traffic  
 9 citation; to provide for hearings, community service, and discharge as  
 10 prescribed; to change provisions relating to procedures for suspending an  
 11 operator's license; to harmonize provisions; to provide operative dates;  
 12 and to repeal the original sections.”.

**LEGISLATIVE BILL 268.** Placed on Select File with amendment.

ER67

1 1. On page 27, line 14, strike "heir, assign, beneficiary, or  
 2 devisee" and insert "an heir, an assignee, a beneficiary, or a devisee".

(Signed) Anna Wishart, Chairperson

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

Senator Wayne filed the following amendment to LB461:  
 AM1093 is available in the Bill Room.

Senator Harr filed the following amendment to LB461:  
 AM1136

(Amendments to AM1027)

- 1 1. Insert the following new amendments:
- 2 1. On page 7, strike beginning with "However" in line 9 through the  
 3 period in line 11.
- 4 2. On page 8, line 24, strike "either (a)"; and strike beginning  
 5 with "or" in line 27 through "percent" in line 29.
- 6 2. Renumber the remaining amendment accordingly.

Senator Bolz filed the following amendment to LB461:  
 AM1133

(Amendments to Standing Committee amendments, AM954)

- 1 1. On page 24, line 11, after "Board" insert ", and the ratio of the  
 2 projected Cash Reserve Fund balance at the end of the upcoming fiscal  
 3 year to the projected net General Fund receipts for the upcoming fiscal  
 4 year"; in line 13 after "year" insert "or if the projected Cash Reserve  
 5 Fund balance at the end of the upcoming fiscal year is not at least  
 6 sixteen percent of the projected net General Fund receipts for the  
 7 upcoming fiscal year"; and in line 26 after "year" insert "and the  
 8 projected Cash Reserve Fund balance at the end of the upcoming fiscal  
 9 year is at least sixteen percent of the projected net General Fund  
 10 receipts for the upcoming fiscal year".

Senator Briese filed the following amendment to LB461:  
 AM1115 is available in the Bill Room.

Senator Friesen filed the following amendment to LB389:  
 AM1116 is available in the Bill Room.



Senator Baker filed the following amendments to LB595:

AM1084

(Amendments to Standing Committee amendments, AM581)

1 1. On page 1, line 9, strike "physical force or".

AM1085

(Amendments to Standing Committee amendments, AM581)

1 1. On page 1, strike lines 12 through 15; in line 16 strike "(3)"  
2 and insert "(2)"; in line 17 strike "or (2)"; in line 19 strike "(4)" and  
3 insert "(3)"; and strike beginning with the comma in line 21 through the  
4 comma in line 22.

AM1086

(Amendments to Standing Committee amendments, AM581)

1 1. On page 1, strike lines 16 through 18; and in line 19 strike  
2 "(4)" and insert "(3)".

AM1087

(Amendments to Standing Committee amendments, AM581)

1 1. On page 1, strike beginning with the comma in line 21 through the  
2 comma in line 22.

AM1088

(Amendments to Standing Committee amendments, AM581)

1 1. On page 1, strike lines 19 through 24.

AM1089

(Amendments to Standing Committee amendments, AM581)

1 1. On page 1, strike line 27.  
2 2. On page 2, strike lines 1 and 2; in line 3 strike "(b)" and  
3 insert "(a)"; and in line 7 strike "(c)" and insert "(b)".

AM1090

(Amendments to Standing Committee amendments, AM581)

1 1. On page 2, line 2, after the semicolon insert "or"; in line 6  
2 strike "; or"; and strike line 7 through "Act" in line 8.

AM1091

(Amendments to Standing Committee amendments, AM581)

1 1. On page 2, strike lines 9 through 26; and in line 27 strike "(3)"  
2 and insert "(2)".

AM1092

(Amendments to Standing Committee amendments, AM581)

1 1. On page 2, strike lines 27 through 29.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 97.** Placed on Final Reading.**LEGISLATIVE BILL 152.** Placed on Final Reading.**LEGISLATIVE BILL 172.** Placed on Final Reading.

ST19

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 14, "to change provisions relating to unemployment benefits and disqualification;" has been inserted after the last semicolon.

**LEGISLATIVE BILL 257.** Placed on Final Reading.**LEGISLATIVE BILL 323.** Placed on Final Reading.**LEGISLATIVE BILL 346.** Placed on Final Reading.

ST20

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "60-373," has been inserted after "sections"; and in line 4, "section" has been struck and "sections 60-3,116 and" inserted.

**LEGISLATIVE BILL 478.** Placed on Final Reading.**LEGISLATIVE BILL 481.** Placed on Final Reading.**LEGISLATIVE BILL 509.** Placed on Final Reading.**LEGISLATIVE BILL 509A.** Placed on Final Reading.**LEGISLATIVE BILL 512.** Placed on Final Reading.

ST18 is available in the Bill Room.

**LEGISLATIVE BILL 605.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**VISITORS**

Visitors to the Chamber were Assemblyman Matthew Harper from the California State Assembly, District 74; and 66 fourth-grade students and sponsors from Shoemaker Elementary, Grand Island.

**ADJOURNMENT**

At 12:18 p.m., on a motion by Senator Briese, the Legislature adjourned until 10:00 a.m., Monday, April 24, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature