

SEVENTY-SECOND DAY - APRIL 26, 2017**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION****SEVENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 26, 2017

PRAYER

The prayer was offered by Pastor Mike Wing, Grace Community Bible Church, North Platte.

ROLL CALL

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

The roll was called and all members were present except Senators Craighead, Friesen, Hilgers, Kuehn, Larson, McCollister, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-first day was approved.

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB512:
AM1204

(Amendments to Final Reading copy)

- 1 1. Strike sections 6 and 14.
- 2 2. Renumber the remaining sections, amend the repealer, and correct
- 3 internal references accordingly.

MOTION(S) - Print in Journal

Senator Morfeld filed the following motion to LB311:
MO104
Place on General File pursuant to Rule 3, Section 20(b).

Senator Morfeld filed the following motion to LB441:
MO105
Place on General File pursuant to Rule 3, Section 20(b).

SELECT FILE

LEGISLATIVE BILL 234. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 255. ER65, found on page 1139, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 255A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 455. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 645. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 430. ER64, found on page 1139, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 558. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 315. ER68, found on page 1142, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 159. ER69, found on page 1142, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 138. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 142. ER70, found on page 1142, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 20. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 63. Senator Scheer offered his amendment, AM1185, found on page 1214.

The Scheer amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 154. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 176. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 383. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 231. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 239. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 306. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 241. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 519. Senator Hansen offered his amendment, AM1187, found on page 1214.

The Hansen amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 464. ER72, found on page 1178, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 264. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 333. Title read. Considered.

Committee AM1022, found on page 1043, was offered.

Senator Riepe asked unanimous consent to withdraw his amendment, AM1195, found on page 1215, and replace it with his substitute amendment, AM1209, to the committee amendment.

AM1209

(Amendments to Standing Committee amendments, AM1022)

1 1. Strike sections 1, 10, and 15 and insert the following new

2 sections:

3 Section 1. Section 68-104, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 68-104 The Department of Health and Human Services shall be the
6 overseer of the poor and shall be vested with the entire and exclusive
7 superintendence of the poor in this state, except that the county board
8 of each county shall furnish such medical service as may be required for
9 the poor of the county who are not eligible for other medical assistance
10 programs and general assistance for the poor of the county. Any person
11 who is or becomes ineligible for other medical assistance programs due to
12 his or her own actions or inactions shall also be ineligible for medical
13 services from the county.

14 The county board of each county shall administer the medical
15 assistance provided pursuant to this section. A county board may enter
16 into an agreement with the Department of Health and Human Services which
17 allows the department to aid in the administration of such medical
18 assistance program. In providing medical and hospital care for the poor,
19 the county board shall make use of any existing facilities, including
20 tax-supported hospitals and charitable clinics so far as the same may be
21 available, and shall use the financial eligibility criteria established
22 for the standard of need developed by the county pursuant to section
23 68-126.

24 A county board may transfer funds designated for public assistance
25 to the Department of Health and Human Services for purposes of payments
26 to providers who serve eligible recipients of medical assistance or low-
1 income uninsured persons and meet federal and state disproportionate-
2 share payment requirements pursuant to subdivision (2)(c) of section
3 68-910.

4 Effective July 1, 2017, nothing in this section shall mandate that a
5 county board furnish medical assistance or general assistance to any
6 person due to the termination of the State Disability Program.

7 Sec. 2. Section 68-915, Revised Statutes Cumulative Supplement,

8 2016, is amended to read:

9 68-915 The following persons shall be eligible for medical
10 assistance:

11 (1) Dependent children as defined in section 43-504;

12 (2) Aged, blind, and disabled persons as defined in sections 68-1002
13 to ~~68-1004~~ ~~68-1005~~;

14 (3) Children under nineteen years of age who are eligible under
15 section 1905(a)(i) of the federal Social Security Act;

16 (4) Persons who are presumptively eligible as allowed under sections
17 1920 and 1920B of the federal Social Security Act;

18 (5) Children under nineteen years of age with a family income equal

19 to or less than two hundred percent of the Office of Management and
20 Budget income poverty guideline, as allowed under Title XIX and Title XXI
21 of the federal Social Security Act, without regard to resources, and
22 pregnant women with a family income equal to or less than one hundred
23 eighty-five percent of the Office of Management and Budget income poverty
24 guideline, as allowed under Title XIX and Title XXI of the federal Social
25 Security Act, without regard to resources. Children described in this
26 subdivision and subdivision (6) of this section shall remain eligible for
27 six consecutive months from the date of initial eligibility prior to
28 redetermination of eligibility. The department may review eligibility
29 monthly thereafter pursuant to rules and regulations adopted and
30 promulgated by the department. The department may determine upon such
31 review that a child is ineligible for medical assistance if such child no
1 longer meets eligibility standards established by the department;
2 (6) For purposes of Title XIX of the federal Social Security Act as
3 provided in subdivision (5) of this section, children with a family
4 income as follows:
5 (a) Equal to or less than one hundred fifty percent of the Office of
6 Management and Budget income poverty guideline with eligible children one
7 year of age or younger;
8 (b) Equal to or less than one hundred thirty-three percent of the
9 Office of Management and Budget income poverty guideline with eligible
10 children over one year of age and under six years of age; or
11 (c) Equal to or less than one hundred percent of the Office of
12 Management and Budget income poverty guideline with eligible children six
13 years of age or older and less than nineteen years of age;
14 (7) Persons who are medically needy caretaker relatives as allowed
15 under 42 U.S.C. 1396d(a)(ii);
16 (8) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii), disabled persons
17 as defined in section 68-1005 with a family income of less than two
18 hundred fifty percent of the Office of Management and Budget income
19 poverty guideline and who, but for earnings in excess of the limit
20 established under 42 U.S.C. 1396d(q)(2)(B), would be considered to be
21 receiving federal Supplemental Security Income. The department shall
22 apply for a waiver to disregard any unearned income that is contingent
23 upon a trial work period in applying the Supplemental Security Income
24 standard. Such disabled persons shall be subject to payment of premiums
25 as a percentage of family income beginning at not less than two hundred
26 percent of the Office of Management and Budget income poverty guideline.
27 Such premiums shall be graduated based on family income and shall not be
28 less than two percent or more than ten percent of family income;
29 (9) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii), persons who:
30 (a) Have been screened for breast and cervical cancer under the
31 Centers for Disease Control and Prevention breast and cervical cancer
1 early detection program established under Title XV of the federal Public
2 Health Service Act, 42 U.S.C. 300k et seq., in accordance with the
3 requirements of section 1504 of such act, 42 U.S.C. 300n, and who need
4 treatment for breast or cervical cancer, including precancerous and
5 cancerous conditions of the breast or cervix;

6 (b) Are not otherwise covered under creditable coverage as defined
7 in section 2701(c) of the federal Public Health Service Act, 42 U.S.C.
8 300gg(c);
9 (c) Have not attained sixty-five years of age; and
10 (d) Are not eligible for medical assistance under any mandatory
11 categorically needy eligibility group; and
12 (10) Persons eligible for services described in subsection (3) of
13 section 68-972.
14 Except as provided in section 68-972, eligibility shall be
15 determined under this section using an income budgetary methodology that
16 determines children's eligibility at no greater than two hundred percent
17 of the Office of Management and Budget income poverty guideline and adult
18 eligibility using adult income standards no greater than the applicable
19 categorical eligibility standards established pursuant to state or
20 federal law. The department shall determine eligibility under this
21 section pursuant to such income budgetary methodology and subdivision (1)
22 (q) of section 68-1713.
23 Sec. 11. Sections 1, 2, 15, and 17 of this act become operative on
24 July 1, 2017. Sections 7, 12, and 16 of this act become operative on
25 October 1, 2017. Sections 8 and 13 of this act become operative three
26 calendar months after the adjournment of this legislative session. The
27 other sections of this act become operative on their effective date.
28 Sec. 15. Original section 68-104, Reissue Revised Statutes of
29 Nebraska, and section 68-915, Revised Statutes Cumulative Supplement,
30 2016, are repealed.
31 Sec. 17. The following sections are outright repealed: Sections
1 68-1005 and 71-1113, Reissue Revised Statutes of Nebraska.
2 2. On page 7, strike beginning with "Beginning" in line 22 through
3 line 26 and show the old matter as stricken.
4 3. On page 11, line 5, strike "sections 68-1005 and" and insert
5 "section"; and in line 6 strike "are" and insert "is".
6 4. Renumber the remaining sections and correct internal references
7 accordingly.

Senator Krist objected.

Senator Riepe offered the following motion:

MO107

Withdraw amendment, AM1195, found on page 1215, and replace it with
substitute amendment, AM1209, found in this day's Journal, to the
committee amendment.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Riepe moved the previous question. The question is, "Shall the
debate now close?"

Senator Riepe moved for a call of the house. The motion prevailed with 20
eyes, 0 nays, and 29 not voting.

Senator Riepe requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 19:

Brasch	Erdman	Halloran	Larson	Riepe
Brewer	Friesen	Hilgers	Linehan	Smith
Briese	Geist	Hughes	Lowe	Watermeier
Clements	Groene	Kuehn	Murante	

Voting in the negative, 24:

Albrecht	Crawford	Kolowski	Morfeld	Walz
Blood	Ebke	Kolterman	Pansing Brooks	Wayne
Bolz	Harr	Krist	Quick	Williams
Bostelman	Hilkemann	McCollister	Schumacher	Wishart
Chambers	Howard	McDonnell	Vargas	

Present and not voting, 2:

Hansen Lindstrom

Absent and not voting, 1:

Baker

Excused and not voting, 3:

Craighead Scheer Stinner

The motion to cease debate failed with 19 ayes, 24 nays, 2 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 328. Placed on Select File.

LEGISLATIVE BILL 329. Placed on Select File.

LEGISLATIVE BILL 330. Placed on Select File with amendment.

ER81

1 1. In the Standing Committee amendments, AM593, renumber sections 2 27, 28, and 29 as sections 28, 29, and 27, respectively.

LEGISLATIVE BILL 451. Placed on Select File with amendment.

ER80 is available in the Bill Room.

(Signed) Anna Wishart, Chairperson

MOTION(S) - Print in Journal

Senator Kolowski filed the following motion to LB484:
MO106
Place on General File pursuant to Rule 3, Section 20(b).

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 259A. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 259, One Hundred Fifth Legislature, First Session, 2017.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hansen name added to LB441.

VISITORS

Visitors to the Chamber were 13 students and teacher as part of Junior Statesmen of America from Norfolk High School; and 110 fourth-grade students from Palisades Elementary, Omaha.

RECESS

At 12:00 p.m., on a motion by Senator Erdman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Groene, Larson, Morfeld, Walz, and Watermeier who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 327. Senator Friesen renewed his amendment, AM1155, found on page 1196 and considered on page 1220, to the committee amendment.

Senator Hansen moved the previous question. The question is, "Shall the debate now close?"

Senator Stinner moved for a call of the house. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The motion to cease debate prevailed with 25 ayes, 9 nays, and 15 present and not voting.

Senator Friesen requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Albrecht	Briese	Geist	Hughes	Lowe
Bostelman	Clements	Groene	Kuehn	Murante
Brasch	Erdman	Halloran	Larson	Smith
Brewer	Friesen	Hilgers	Linehan	Watermeier

Voting in the negative, 27:

Baker	Hansen	Krist	Quick	Walz
Blood	Harr	Lindstrom	Riepe	Wayne
Bolz	Hilkemann	McCollister	Scheer	Williams
Chambers	Howard	McDonnell	Schumacher	
Craighead	Kolowski	Morfeld	Stinner	
Crawford	Kolterman	Pansing Brooks	Vargas	

Present and not voting, 2:

Ebke	Wishart
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The Friesen amendment lost with 20 ayes, 27 nays, and 2 present and not voting.

The Chair declared the call raised.

Senator Linehan offered her amendment, AM1150, found on page 1204, to the committee amendment.

Senator Linehan withdrew her amendment.

Senator Schumacher offered his amendment, AM1198, found on page 1220, to the committee amendment.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 223. Placed on Final Reading.**LEGISLATIVE BILL 253.** Placed on Final Reading.**LEGISLATIVE BILL 259.** Placed on Final Reading.**LEGISLATIVE BILL 300.** Placed on Final Reading.

ST21

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

1. In the Krist amendment, AM 946, on page 1, line 1, "and all amendments thereto" has been inserted after "sections".

2. In the E & R amendments, ER 52, on page 1, the matter beginning with the semicolon in line 1 through the last quotation mark in line 2 has been struck.

(Signed) Anna Wishart, Chairperson

MESSAGE(S) FROM THE GOVERNOR

April 26, 2017

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 195 and 506 were received in my office on April 24, 2017.

These bills were signed and delivered to the Secretary of State on April 26, 2017.

Sincerely,
(Signed) Pete Ricketts
Governor

GENERAL FILE

LEGISLATIVE BILL 327. Senator Chambers offered the following motion:

MO108

Recommit to the Appropriations Committee.

Senator Chambers withdrew his motion to recommit to committee.

The Schumacher amendment, AM1198, found on page 1220 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Chambers offered the following motion:

MO109

Bracket until June 2, 2017.

Senator Chambers withdrew his motion to bracket.

Senator Groene moved the previous question. The question is, "Shall the debate now close?"

Senator Hilgers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Groene requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 40:

Baker	Crawford	Harr	Lindstrom	Schumacher
Bolz	Ebke	Hilgers	Linehan	Smith
Brasch	Erdman	Hilkemann	Lowe	Stinner
Brewer	Friesen	Hughes	McCollister	Vargas
Briese	Geist	Kolowski	McDonnell	Walz
Chambers	Groene	Kolterman	Murante	Watermeier
Clements	Halloran	Krist	Riepe	Wayne
Craighead	Hansen	Kuehn	Scheer	Williams

Voting in the negative, 5:

Albrecht	Blood	Pansing Brooks	Quick	Wishart
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Present and not voting, 3:

Bostelman	Howard	Morfeld
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Excused and not voting, 1:

Larson

The motion to cease debate prevailed with 40 ayes, 5 nays, 3 present and not voting, and 1 excused and not voting.

Senator Schumacher requested a roll call vote, in reverse order, on his amendment, AM1198.

Voting in the affirmative, 17:

Baker	Harr	McCollister	Schumacher	Wishart
Blood	Howard	Morfeld	Vargas	
Crawford	Kolowski	Pansing Brooks	Walz	
Hansen	Krist	Quick	Wayne	

Voting in the negative, 19:

Albrecht	Briese	Halloran	Lindstrom	Riepe
Bostelman	Clements	Hilgers	Linehan	Smith
Brasch	Erdman	Hughes	Lowe	Watermeier
Brewer	Geist	Kuehn	Murante	

Present and not voting, 12:

Bolz	Ebke	Hilkemann	Scheer
Chambers	Friesen	Kolterman	Stinner
Craighead	Groene	McDonnell	Williams

Excused and not voting, 1:

Larson

The Schumacher amendment lost with 17 ayes, 19 nays, 12 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 149. Placed on Select File with amendment.

ER82

1 1. In the Standing Committee amendments, AM 962:
 2 a. On page 2, strike beginning with the comma in line 8 through
 3 "act" in line 9; and
 4 b. On page 19, line 20, strike the semicolon and insert a comma.
 5 2. On page 1, strike lines 2 and 3 and insert "sections 11 and 202,
 6 as amended by sections 17 and 92, respectively, Legislative Bill 22, One
 7 Hundred Fifth Legislature, First Session, 2017; Laws 2016, LB956, section
 8 66; Laws 2016, LB746A, section 3, as amended by section 124, Legislative
 9 Bill 22, One Hundred Fifth Legislature, First Session, 2017; and Laws
 10 2016, LB956, sections 41, 42, 45, and 49, as amended by sections 128,
 11 129, 132, and 136, respectively, Legislative Bill 22, One Hundred Fifth
 12 Legislature, First Session, 2017; to adopt definitions; to provide,
 13 change, and eliminate provisions relating to appropriations and transfers
 14 of funds; to reduce appropriations; to repeal the original sections; and
 15 to declare an emergency."

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 327. Senator Chambers offered the following motion:

MO110

Reconsider the vote taken on AM1198.

Pending.

AMENDMENT(S) - Print in Journal

Senator Baker filed the following amendment to LB415:

AM1211

(Amendments to Standing Committee amendments, AM923)

- 1 1. On page 74, line 21, strike "and", show as stricken, and in line
- 2 23 strike "and (c)" and insert ", (c), and (d)".
- 3 2. On page 75, line 4, after "(ii)" insert "except as provided in
- 4 subdivision (c) of this subdivision"; in line 5 strike "thirty-six" and
- 5 insert "twenty-four"; after line 13 insert the following new subdivision:
- 6 "(c) If a member accepts an early retirement inducement, the member
- 7 may provide voluntary service one hundred eighty days after ceasing
- 8 employment"; in line 14 strike "(c)" and insert "(d)"; in line 19 strike
- 9 "(d)" and insert "(e)"; and in line 22 strike the period and insert ";
- 10 and
- 11 (46) Voluntary service or volunteer means providing bona fide unpaid
- 12 service to any employer".
- 13 3. On page 99, line 19, strike "and (c)" and insert ", (c), and
- 14 (d)"; in line 30 after "(ii)" insert "except as provided in subdivision
- 15 (c) of this subdivision"; and in line 31 strike "thirty-six" and insert
- 16 "twenty-four".
- 17 4. On page 100, after line 1 insert the following new subdivision:
- 18 "(c) If a member accepts an early retirement inducement, the member
- 19 may provide voluntary service one hundred eighty days after ceasing
- 20 employment"; in line 2 strike "(c)" and insert "(d)"; in line 6 strike
- 21 "and"; in line 7 strike "(d)" and insert "(e)"; in line 10 strike "and";
- 22 and in line 11 strike the period, show as stricken, and insert "; and
- 23 (36) Voluntary service or volunteer means providing bona fide unpaid
- 24 service to an employer".

Senator Harr filed the following amendment to LB492:

AM1218

(Amendments to Standing Committee amendments, AM310)

- 1 1. Insert the following new sections:
- 2 Sec. 10. Section 37-1278, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 37-1278 (1) Application for a certificate of title shall be
- 5 presented to the county treasurer, shall be made upon a form prescribed
- 6 by the Department of Motor Vehicles, and shall be accompanied by the fee
- 7 prescribed in section 37-1287. The owner of a motorboat for which a

8 certificate of title is required shall obtain a certificate of title
9 prior to registration required under section 37-1214. The buyer of
10 property sold pursuant to section 7 of this act shall present
11 documentation that such sale was completed in compliance with such
12 section.

13 (2)(a) If a certificate of title has previously been issued for the
14 motorboat in this state, the application for a new certificate of title
15 shall be accompanied by the certificate of title duly assigned. If a
16 certificate of title has not previously been issued for the motorboat in
17 this state, the application shall be accompanied by a certificate of
18 number from this state, a manufacturer's or importer's certificate, a
19 duly certified copy thereof, proof of purchase from a governmental agency
20 or political subdivision, a certificate of title from another state, or a
21 court order issued by a court of record, a manufacturer's certificate of
22 origin, or an assigned registration certificate, if the motorboat was
23 brought into this state from a state which does not have a certificate of
24 title law. The county treasurer shall retain the evidence of title
25 presented by the applicant on which the certificate of title is issued.
26 When the evidence of title presented by the applicant is a certificate of
1 title or an assigned registration certificate issued by another state,
2 the department shall notify the state of prior issuance that the
3 certificate has been surrendered. If a certificate of title has not
4 previously been issued for the motorboat in this state and the applicant
5 is unable to provide such documentation, the applicant may apply for a
6 bonded certificate of title as prescribed in section 37-1278.01.

7 (b) This subdivision applies beginning on an implementation date
8 designated by the Director of Motor Vehicles. The director shall
9 designate an implementation date which is on or before January 1, 2020.
10 In addition to the information required under subdivision (2)(a) of this
11 section, the application for a certificate of title shall contain (i) the
12 full legal name as defined in section 60-468.01 of each owner and (ii)(A)
13 the motor vehicle operator's license number or state identification card
14 number of each owner, if applicable, and one or more of the
15 identification elements as listed in section 60-484 of each owner, if
16 applicable, and (B) if any owner is a business entity, a nonprofit
17 organization, an estate, a trust, or a church-controlled organization,
18 its tax identification number.

19 (3) The county treasurer shall use reasonable diligence in
20 ascertaining whether or not the statements in the application for a
21 certificate of title are true by checking the application and documents
22 accompanying the same with the records of motorboats in his or her
23 office. If he or she is satisfied that the applicant is the owner of the
24 motorboat and that the application is in the proper form, the county
25 treasurer shall issue a certificate of title over his or her signature
26 and sealed with his or her seal.

27 (4) In the case of the sale of a motorboat, the certificate of title
28 shall be obtained in the name of the purchaser upon application signed by
29 the purchaser, except that for titles to be held by husband and wife,
30 applications may be accepted by the county treasurer upon the signature

31 of either spouse as a signature for himself or herself and as an agent
1 for his or her spouse.

2 (5) In all cases of transfers of motorboats, the application for a
3 certificate of title shall be filed within thirty days after the delivery
4 of the motorboat. A dealer need not apply for a certificate of title for
5 a motorboat in stock or acquired for stock purposes, but upon transfer of
6 a motorboat in stock or acquired for stock purposes, the dealer shall
7 give the transferee a reassignment of the certificate of title on the
8 motorboat or an assignment of a manufacturer's or importer's certificate.
9 If all reassignments printed on the certificate of title have been used,
10 the dealer shall obtain title in his or her name prior to any subsequent
11 transfer.

12 Sec. 11. Section 37-1283, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 37-1283 (1) In the event of the transfer of ownership of a motorboat
15 by operation of law as upon inheritance, devise, or bequest, order in
16 bankruptcy, insolvency, replevin, or execution sale, (2) whenever a
17 motorboat is sold to satisfy storage or repair charges or under section 7
18 of this act, or (3) whenever repossession is had upon default in
19 performance of the terms of a chattel mortgage, trust receipt,
20 conditional sales contract, or other like agreement, the county treasurer
21 of any county or the Department of Motor Vehicles, upon the surrender of
22 the prior certificate of title or the manufacturer's or importer's
23 certificate, or when that is not possible, upon presentation of
24 satisfactory proof of ownership and right of possession to the motorboat,
25 and upon payment of the fee prescribed in section 37-1287 and the
26 presentation of an application for certificate of title, may issue to the
27 applicant a certificate of title thereto. If the prior certificate of
28 title issued for the motorboat provided for joint ownership with right of
29 survivorship, a new certificate of title shall be issued to a subsequent
30 purchaser upon the assignment of the prior certificate of title by the
31 surviving owner and presentation of satisfactory proof of death of the
1 deceased owner. Only an affidavit by the person or agent of the person to
2 whom possession of the motorboat has so passed, setting forth facts
3 entitling him or her to such possession and ownership, together with a
4 copy of the journal entry, court order, or instrument upon which such
5 claim of possession and ownership is founded shall be considered
6 satisfactory proof of ownership and right of possession, except that if
7 the applicant cannot produce such proof of ownership, he or she may
8 submit to the department such evidence as he or she may have and the
9 department may thereupon, if it finds the evidence sufficient, issue the
10 certificate of title or authorize any county treasurer to issue a
11 certificate of title, as the case may be. If from the records of the
12 county treasurer or the department there appear to be any liens on the
13 motorboat, the certificate of title shall comply with section 37-1282
14 regarding the liens unless the application is accompanied by proper
15 evidence of their satisfaction or extinction.

16 Sec. 12. Section 60-149, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 60-149 (1)(a) If a certificate of title has previously been issued
 19 for a vehicle in this state, the application for a new certificate of
 20 title shall be accompanied by the certificate of title duly assigned
 21 except as otherwise provided in the Motor Vehicle Certificate of Title
 22 Act.

23 (b) Except for manufactured homes or mobile homes as provided in
 24 subsection (2) of this section, if a certificate of title has not
 25 previously been issued for the vehicle in this state or if a certificate
 26 of title is unavailable pursuant to subsection (4) of section 52-1801,
 27 the application shall be accompanied by:

28 (i) A manufacturer's or importer's certificate except as otherwise
 29 provided in subdivision (vii) of this subdivision;

30 (ii) A duly certified copy of the manufacturer's or importer's
 31 certificate;

1 (iii) An affidavit by the owner affirming ownership in the case of
 2 an all-terrain vehicle, a utility-type vehicle, or a minibike;

3 (iv) A certificate of title from another state;

4 (v) A court order issued by a court of record, a manufacturer's
 5 certificate of origin, or an assigned registration certificate, if the
 6 law of the state from which the vehicle was brought into this state does
 7 not have a certificate of title law;

8 (vi) Documentation prescribed in section 60-142.01, 60-142.02,
 9 60-142.04, or 60-142.05 or documentation of compliance with section 7 of
 10 this act; or

11 (vii) A manufacturer's or importer's certificate and an affidavit by
 12 the owner affirming ownership in the case of a minitruck.

13 (c) If the application for a certificate of title in this state is
 14 accompanied by a valid certificate of title issued by another state which
 15 meets that state's requirements for transfer of ownership, then the
 16 application may be accepted by this state.

17 (d) If a certificate of title has not previously been issued for the
 18 vehicle in this state and the applicant is unable to provide such
 19 documentation, the applicant may apply for a bonded certificate of title
 20 as prescribed in section 60-167.

21 (2)(a) If the application for a certificate of title for a
 22 manufactured home or a mobile home is being made in accordance with
 23 subdivision (4)(b) of section 60-137 or if the certificate of title for a
 24 manufactured home or a mobile home is unavailable pursuant to section
 25 52-1801, the application shall be accompanied by proof of ownership in
 26 the form of:

27 (i) A duly assigned manufacturer's or importer's certificate;

28 (ii) A certificate of title from another state;

29 (iii) A court order issued by a court of record;

30 (iv) Evidence of ownership as provided for in section 30-24,125,
 31 52-601.01 to 52-605, 60-1901 to 60-1911, ~~or~~ 60-2401 to 60-2411 or
 1 documentation of compliance with section 7 of this act; or

2 (v) Assessment records for the manufactured home or mobile home from
 3 the county assessor and an affidavit by the owner affirming ownership.

4 (b) If the applicant cannot produce proof of ownership described in

5 subdivision (a) of this subsection, he or she may submit to the
6 department such evidence as he or she may have, and the department may
7 thereupon, if it finds the evidence sufficient, issue the certificate of
8 title or authorize the county treasurer to issue a certificate of title,
9 as the case may be.

10 (3) For purposes of this section, certificate of title includes a
11 salvage certificate, a salvage branded certificate of title, or any other
12 document of ownership issued by another state or jurisdiction for a
13 salvage vehicle. Only a salvage branded certificate of title shall be
14 issued to any vehicle conveyed upon a salvage certificate, a salvage
15 branded certificate of title, or any other document of ownership issued
16 by another state or jurisdiction for a salvage vehicle.

17 (4) The county treasurer shall retain the evidence of title
18 presented by the applicant and on which the certificate of title is
19 issued.

20 Sec. 13. Section 60-166, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 60-166 (1) In the event of (a) the transfer of ownership of a
23 vehicle by operation of law as upon inheritance, devise, or bequest,
24 order in bankruptcy, insolvency, replevin, or execution sale or as
25 provided in sections 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911,
26 and 60-2401 to 60-2411, (b) the engine of a vehicle being replaced by
27 another engine, (c) a vehicle being sold to satisfy storage or repair
28 charges or under section 7 of this act, or (d) repossession being had
29 upon default in performance of the terms of a chattel mortgage, trust
30 receipt, conditional sales contract, or other like agreement, the county
31 treasurer of any county or the department, upon the surrender of the
1 prior certificate of title or the manufacturer's or importer's
2 certificate, or when that is not possible, upon presentation of
3 satisfactory proof of ownership and right of possession to such vehicle,
4 and upon payment of the appropriate fee and the presentation of an
5 application for certificate of title, may issue to the applicant a
6 certificate of title thereto. If the prior certificate of title issued
7 for such vehicle provided for joint ownership with right of survivorship,
8 a new certificate of title shall be issued to a subsequent purchaser upon
9 the assignment of the prior certificate of title by the surviving owner
10 and presentation of satisfactory proof of death of the deceased owner.

11 Only an affidavit by the person or agent of the person to whom possession
12 of such vehicle has so passed, setting forth facts entitling him or her
13 to such possession and ownership, together with a copy of the journal
14 entry, court order, or instrument upon which such claim of possession and
15 ownership is founded, shall be considered satisfactory proof of ownership
16 and right of possession, except that if the applicant cannot produce such
17 proof of ownership, he or she may submit to the department such evidence
18 as he or she may have, and the department may thereupon, if it finds the
19 evidence sufficient, issue the certificate of title or authorize any
20 county treasurer to issue a certificate of title, as the case may be.

21 (2) If from the records of the county treasurer or the department
22 there appear to be any liens on such vehicle, such certificate of title

23 shall comply with section 60-164 or 60-165 regarding such liens unless
 24 the application is accompanied by proper evidence of their satisfaction
 25 or extinction.

26 Sec. 14. Original sections 37-1278 and 37-1283, Reissue Revised
 27 Statutes of Nebraska, and sections 60-149 and 60-166, Revised Statutes
 28 Cumulative Supplement, 2016, are repealed.

29 2. On page 5, line 31, after the period insert "If the property is a
 30 vehicle, watercraft, or trailer, such sale shall extinguish any lien or
 31 security interest in the property of any holder of such lien or security
 1 interest to whom notice of the sale was sent in compliance with this
 2 section.".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 114. Introduced by Judiciary Committee:
 Ebke, 32, Chairperson; Baker, 30; Chambers, 11; Halloran, 33; Hansen, 26;
 Krist, 10; Morfeld, 46; Pansing Brooks, 28.

PURPOSE: The purpose of this interim study is to examine Nebraska's statutes relating to geriatric or compassionate release laws. Most states and the federal government have legal procedures for prison inmates to be released, paroled, or furloughed in connection with advanced age or a serious illness. Many jurisdictions have increasingly larger numbers of older people in prisons, due in part to the effects of strict sentencing laws and the longer prison terms imposed. States now face the situation in which many sentenced to long-term prison sentences will reach old age and die in prison. For pragmatic or humane reasons, officials in many jurisdictions will release elderly inmates or inmates who have a serious illness.

Elderly inmates with a serious or terminal illness are a unique "special needs" population and require intensive health and social accommodation in prisons. Inmates often exhibit an accelerated aging process due to preincarceration high-risk health histories, such as smoking and substance abuse, and the often health-stressful conditions of incarceration. Accommodating such elderly or ill inmates involves varied social policy and economic considerations for state officials.

The issues addressed by this interim study shall include, but not be limited to:

- (1) A review of elderly or medically humane release provisions currently in statute;
- (2) A review of the types of crimes for which such release provisions are applicable;
- (3) A review of the process by which a release is sought by application to the Board of Parole as provided in section 83-1,110.02 and whether an amendment to such provision is warranted;
- (4) A review of the level of supervision or support of such inmates upon their release for medical or humane reasons;
- (5) A review of requirements to consider regarding the potential impact the release may have on the victims or others impacted by the inmate;

(6) A review of the factors for imposing sentences and whether courts should be required to consider if an inmate will reach an elderly age while serving such sentence in prison; and

(7) A review and examination of any potential consequences of implementing any statutory changes to the mandatory minimum laws either with respect to the penalty provisions, or with respect to amending the procedural statutes relating to the filing of charges carrying mandatory minimum sentences or the imposition of mandatory minimum sentences.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 50 fourth-grade students from Woodland Park Elementary, Norfolk; and 23 fourth-grade students from Lyon Decatur Northeast School.

RECESS

At 5:29 p.m., on a motion by Senator Walz, the Legislature recessed until 6:15 p.m.

AFTER RECESS

The Legislature reconvened at 6:15 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Larson and Murante who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 327. The Chambers motion, MO110, found in this day's Journal, to reconsider the vote taken on AM1198, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 17:

Baker	Ebke	Krist	Schumacher	Wishart
Blood	Hansen	McCollister	Vargas	
Chambers	Howard	Morfeld	Walz	
Crawford	Kolowski	Pansing Brooks	Wayne	

Voting in the negative, 29:

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

Present and not voting, 1:

Quick

Excused and not voting, 2:

Larson Murante

The Chamber motion to reconsider failed with 17 ayes, 29 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO111

Bracket until June 2, 2017.

Senator Scheer offered the following motion:

MO112

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Scheer moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Scheer requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 42:

Albrecht	Craighead	Hilgers	Lowe	Stinner
Baker	Crawford	Hilkemann	McCollister	Vargas
Blood	Ebke	Hughes	McDonnell	Walz
Bolz	Erdman	Kolowski	Murante	Watermeier
Bostelman	Friesen	Kolterman	Pansing Brooks	Williams
Brasch	Geist	Krist	Riepe	Wishart
Brewer	Groene	Kuehn	Scheer	
Briese	Halloran	Lindstrom	Schumacher	
Clements	Harr	Linehan	Smith	

Voting in the negative, 6:

Chambers	Howard	Quick
Hansen	Morfeld	Wayne

Excused and not voting, 1:

Larson

The Scheer motion to invoke cloture prevailed with 42 ayes, 6 nays, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 2:

Chambers	Erdman
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Voting in the negative, 42:

Albrecht	Craighead	Hilgers	Lowe	Vargas
Baker	Crawford	Hilkemann	McDonnell	Walz
Blood	Ebke	Howard	Morfeld	Watermeier
Bolz	Friesen	Hughes	Murante	Wayne
Bostelman	Geist	Kolowski	Pansing Brooks	Williams
Brasch	Groene	Kolterman	Riepe	Wishart
Brewer	Halloran	Kuehn	Scheer	
Briese	Hansen	Lindstrom	Smith	
Clements	Harr	Linehan	Stinner	

Present and not voting, 4:

Krist	McCollister	Quick	Schumacher
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Excused and not voting, 1:

Larson

The Chambers motion to bracket failed with 2 ayes, 42 nays, 4 present and not voting, and 1 excused and not voting.

The committee amendment, AM590, was adopted with 46 ayes, 1 nay, 1 present and not voting, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 36:

Albrecht	Clements	Harr	Lowe	Vargas
Baker	Craighead	Hilgers	McDonnell	Walz
Blood	Crawford	Hilkemann	Murante	Williams
Bolz	Ebke	Hughes	Pansing Brooks	Wishart
Bostelman	Erdman	Kolowski	Riepe	
Brasch	Geist	Kolterman	Scheer	
Brewer	Groene	Lindstrom	Smith	
Briese	Halloran	Linehan	Stinner	

Voting in the negative, 1:

Chambers

Present and not voting, 11:

Friesen	Krist	Morfeld	Watermeier
Hansen	Kuehn	Quick	Wayne
Howard	McCollister	Schumacher	

Excused and not voting, 1:

Larson

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 11 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to LB327:
AM1222

(Amendments to Standing Committee amendments, AM590)

- 1 1. On page 54, lines 24 and 25, strike "up to".
- 2 2. On page 55, line 11, after the second comma insert "stand alone
3 clinics,".

Senator Wayne filed the following amendment to LB327:
AM1224

(Amendments to Standing Committee amendments, AM590)

- 1 1. On page 48, strike line 14 and insert:
- 2 "GENERAL FUND 168,884,529 168,884,529"; strike line 17 and insert:

3 "PROGRAM TOTAL 202,571,046 202,571,046"; and in lines 19 and 22
4 strike "\$165,108,214" and insert "\$168,884,529".

Senator Chambers filed the following amendment to LB327:

FA70

Amend AM590

Page 55, line 11 after "(B)" insert "as it existed on April 20, 2017".

Senator Chambers filed the following amendment to LB327:

FA71

Amend AM590

Page 55, line 7 strike beginning with "To" through "the" and insert "The".

Senator Pansing Brooks filed the following amendment to LB327:

AM1231

(Amendments to Standing Committee amendments, AM590)

1 1. On page 54, lines 24 and 25, strike "up to".

2 2. On page 55, line 7, after the comma insert "as such regulations

3 existed on January 1, 2017,"; in line 9 after "Program" insert "as such

4 program existed on January 1, 2017,"; in line 10 after "entities" insert

5 "equally"; and in line 11 after the first comma insert "stand alone

6 clinics,".

VISITORS

Visitors to the Chamber were Senator Linehan's daughter, son-in-law, and grandson, Shannon, Michael, and Zeke Seim from Lincoln.

The Doctor of the Day was Dr. Melanie Menning from Omaha.

ADJOURNMENT

At 9:07 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Thursday, April 27, 2017.

Patrick J. O'Donnell
Clerk of the Legislature

