

SEVENTY-FOURTH DAY - MAY 2, 2017

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION**

SEVENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 2, 2017

PRAYER

The prayer was offered by Pastor Matt Bahnfleth, Christ the Servant Church, Norfolk.

ROLL CALL

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

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

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-third day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 327. Placed on Select File with amendment.
ER83

- 1 1. In the Standing Committee amendments, AM590:
- 2 a. On page 2, line 3, strike "129, and 268" and insert "130, and
- 3 272";
- 4 b. On page 3, line 6, strike "Office"; and in line 18 strike
- 5 "10,006,574" and insert "10,006,571";
- 6 c. On page 36, line 24, strike the second comma; and in line 29
- 7 strike "(f)" and insert "903(f)";
- 8 d. On page 40, line 17, strike "that" and insert "this";
- 9 e. On page 47, lines 12 and 13, strike "Department of Health and
- 10 Human" and insert "budget division of the Department of Administrative";
- 11 f. On page 85, line 5, strike "2017-2017" and insert "2017-2019";
- 12 and
- 13 g. On page 128, line 9, strike "Treasure" and insert "Treasury" and
- 14 in line 25 strike "Nebraska" and insert "State".

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 20. Placed on Final Reading.
LEGISLATIVE BILL 138. Placed on Final Reading.
LEGISLATIVE BILL 142. Placed on Final Reading.
LEGISLATIVE BILL 159. Placed on Final Reading.
LEGISLATIVE BILL 234. Placed on Final Reading.

LEGISLATIVE BILL 255. Placed on Final Reading.
ST24

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

1. On page 5, line 19, "(34)" has been struck and "(35)" inserted.
2. On page 8, line 2, "(33)" has been struck and "(35)" inserted.

LEGISLATIVE BILL 255A. Placed on Final Reading.

LEGISLATIVE BILL 315. Placed on Final Reading.
ST23

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

1. On page 1, line 3, "or conveyance" has been inserted after "sale" and the comma has been stricken and a semicolon inserted.

LEGISLATIVE BILL 430. Placed on Final Reading.
LEGISLATIVE BILL 455. Placed on Final Reading.
LEGISLATIVE BILL 558. Placed on Final Reading.
LEGISLATIVE BILL 645. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

MESSAGE(S) FROM THE GOVERNOR

April 27, 2017

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 271, 339e, 518, and 518A were received in my office on April 24, 2017.

These bills were signed and delivered to the Secretary of State on April 27, 2017.

Sincerely,
(Signed) Pete Ricketts
Governor

April 27, 2017

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 9, 34, 35, 91, 91A, 92, 122, 137, 148, 151e, 161, 166e, 180, 180A, 182, 207, 210, 217e, 222, 225e, 225Ae, 263e, 263Ae, 267, 276, 317, 376e, 407, 417, 432e, 444, 487, 535, 539e, 566, 590e, 600, 625e, 641A, and 641 were received in my office on April 24, 2017.

These bills were signed and delivered to the Secretary of State on April 27, 2017.

Sincerely,
(Signed) Pete Ricketts
Governor

April 27, 2017

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

Dear Mr. President and Members of the Legislature:

I am returning LB 75 without my signature and with my objections.

The bill would allow convicted felons to vote immediately upon the completion of their prison term or end of parole. Under current law, convicted felons can vote two years after completing their criminal sentence.

Despite claims of supporters of the bill, LB 75 does not relate to criminal justice reform. The state's criminal justice reform efforts were adopted by the Legislature in 2015 with the passage of LB 605. Those reforms are currently being implemented and are completely unrelated to felons voting. While the rehabilitation of criminals is an important goal of the criminal justice system, the immediate restoration of voting rights is not the answer.

Many times, those convicted of a felony offense commit another felony within a few years after release from prison. Proponents of LB 75 contend

there will be increase civic engagement by felons voting and that will help to reduce recidivism. However, studies have failed to demonstrate a link between the restoration of voting privileges and reduced recidivism rates.

States fall along the continuum from no voting restrictions for convicted felons to lifetime prohibitions against voting. It is worth noting that states with no voting restrictions or restrictions less than those in Nebraska have higher recidivism rates than Nebraska, which has a recidivism rate of 31.3%.¹ Vermont allows felons to vote while incarcerated, but has a recidivism rate of 44.1%.² Colorado places voting restrictions on convicted felons while incarcerated or on parole and has a recidivism rate of 48.6%.³

Requiring convicted felons to wait before allowing them to vote provides an incentive to maintain a clean record and avoid subsequent convictions.

More important than the policy considerations that weigh strongly against LB 75, I have constitutional concerns with the bill. Article VI, Section 2 of the Nebraska Constitution states that "[n]o person shall be qualified to vote who... has been convicted of... a felony under the laws of the state or of the United States, unless restored to civil rights."

Statutorily restoring the right to vote contradicts the process set out in our Constitution. The sole power to restore civil rights lost by someone who is convicted of a felony is granted to the Board of Pardons under Article IV, Section 13 of the Nebraska Constitution. LB 75 further erodes the exclusive authority vested in the Nebraska Board of Pardons, violating the separation of powers provision found in Article II, Section 1.

Nebraskans are kind-hearted and do not wish to permanently punish convicted felons. The distinction, however, between the restoration of rights versus privileges must be noted. While the Legislature may restore certain privileges, such as driving privileges, to convicted felons, the Legislature may not circumvent the Nebraska Constitution to automatically restore a voting right in state law. Any efforts to restore a civil right explicitly revoked in the Nebraska Constitution requires changing the Nebraska Constitution.

LB 75 is attempting to create the equivalent of a legislative pardon. This is not permissible under the Constitution.

For these reasons, I urge you to sustain my veto of LB 75.

¹ Nebraska Department of Correctional Services Policy and Research Division

² Vermont Department of Corrections. (2016). Vermont Department of Corrections Annual Report FY2015. Retrieved from <http://www.doc.state.vt.us/about/reports/fy15-doc-annual-report/view>

³ Colorado Governor's Office, Performance Management and Operations. Retrieved from <https://www.colorado.gov/pacific/performance/performancemanagement/reduce-recidivism-rate>

Sincerely,
 (Signed) Pete Ricketts
 Governor

AMENDMENT(S) - Print in Journal

Senator Walz filed the following amendment to LB415:
 AM1219

(Amendments to Standing Committee amendments, AM923)

- 1 1. On page 68, strike lines 3 through 25; and in lines 26 and 31
 2 strike the new matter and reinstate the stricken matter.
- 3 2. On page 69, lines 14 and 17, strike the new matter and reinstate
 4 the stricken matter.
- 5 3. On page 70, line 5, strike the new matter and reinstate the
 6 stricken matter; in line 7 strike "(17)" and insert "(16)"; in line 9
 7 strike "(18)" and insert "(17)"; in line 11 strike "(19)" and insert
 8 "(18)"; in line 13 strike "(20)" and insert "(19)"; in line 15 strike
 9 "(21)" and insert "(20)"; in line 17 strike "(22)" and insert "(21)"; in
 10 line 19 strike "(23)" and insert "(22)"; and in line 31 strike "(24)" and
 11 insert "(23)".
- 12 4. On page 71, line 9, strike "(25)" and insert "(24)"; in line 14
 13 strike "(26)" and insert "(25)"; in line 19 strike "(27)" and insert
 14 "(26)"; in line 22 strike "(28)" and insert "(27)"; in line 25 strike
 15 "(29)" and insert "(28)"; in line 28 strike "(30)" and insert "(29)"; and
 16 in line 30 strike "(31)" and insert "(30)".
- 17 5. On page 72, line 7, strike "(32)" and insert "(31)"; in line 9
 18 strike "(33)" and insert "(32)"; in line 11 strike "(34)" and insert
 19 "(33)"; in line 22 strike "(35)" and insert "(34)"; and in line 26 strike
 20 "(36)" and insert "(35)".
- 21 6. On page 73, line 3, strike "(37)" and insert "(36)"; in line 15
 22 strike "(38)" and insert "(37)"; in line 18 strike "(39)" and insert
 23 "(38)"; in line 24 strike "(40)" and insert "(39)"; in line 26 strike
 24 "(41)" and insert "(40)"; and in line 30 strike "(42)" and insert "(41)".
- 25 7. On page 74, line 4, strike "(43)" and insert "(42)"; in line 16
 26 strike "(44)" and insert "(43)"; and in line 22 strike "(45)(a)" and
 1 insert "(44)(a)".
- 2 8. On page 75, line 3, strike "(i)"; and in line 4 after "service"
 3 insert "provided is as a substitute employee or a volunteer on an
 4 intermittent basis not to exceed forty-five days during the one-hundred-
 5 eighty-day period or such service"; and strike beginning with "or" in
 6 line 4 through "inducement" in line 6.
- 7 9. On page 77, line 10, strike "(i)"; strike beginning with the
 8 comma in line 12 through "employer" in line 20; in line 26 strike "(i)";
 9 and strike beginning with "and" in line 29 through "employer" in line 31.
- 10 10. On page 95, strike lines 22 through 31.
- 11 11. On page 96, strike lines 1 through 12; in lines 13 and 16 strike
 12 the new matter and reinstate the stricken matter; in line 19 strike
 13 "(15)" and insert "(14)"; in line 22 strike "(16)" and insert "(15)"; in

14 line 24 strike "(17)" and insert "(16)"; in line 26 strike "(18)" and
 15 insert "(17)"; and in line 30 strike "(19)" and insert "(18)".
 16 12. On page 97, line 2, strike "(20)" and insert "(19)"; in line 25
 17 strike "(21)" and insert "(20)"; in line 28 strike "(22)" and insert
 18 "(21)"; and in line 31 strike "(23)" and insert "(22)".
 19 13. On page 98, line 2, strike "(24)" and insert "(23)"; in line 7
 20 strike "(25)" and insert "(24)"; in line 18 strike "(26)" and insert
 21 "(25)"; in line 20 strike "(27)" and insert "(26)"; in line 22 strike
 22 "(28)" and insert "(27)"; in line 25 strike "(29)" and insert "(28)"; and
 23 in line 30 strike "(30)" and insert "(29)".
 24 14. On page 99, line 4, strike "(31)" and insert "(30)"; in line 7
 25 strike "(32)" and insert "(31)"; in line 12 strike "(33)" and insert
 26 "(32)"; in line 18 strike "(34)(a)" and insert "(33)(a)"; in line 29
 27 strike "(i)"; and strike beginning with "or" in line 30 through line 31
 28 and insert "unless such service provided is as a substitute employee or a
 29 volunteer on an intermittent basis not to exceed forty-five days during
 30 the one-hundred-eighty-day period".
 31 15. On page 100, line 1, strike "accepts" through "inducement"; and
 1 in line 11 strike "(35)" and insert "(34)".
 2 16. On page 104, strike lines 5 through 16 and insert "shall notify
 3 the board of trustees in writing of the date upon which a termination of
 4 employment has occurred and provide the board of trustees with such
 5 information as the board of trustees deems necessary."; and strike lines
 6 20 through 26 and insert "trustees that prior to the member's retirement
 7 there was no prearranged written or verbal agreement to provide service
 8 in any capacity to an employer participating in the retirement system
 9 pursuant to the School Employees Retirement Act.".

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 110, 111, and 112 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 110, 111, and 112.

GENERAL FILE

LEGISLATIVE BILL 98. Senator Erdman renewed his amendment, AM819, found on page 850.

Senator Friesen offered the following motion:

MO113

Invoke cloture pursuant to Rule 7, Sec. 10.

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

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

Voting in the affirmative, 31:

Albrecht	Chambers	Kolowski	Quick	Wayne
Baker	Crawford	Kolterman	Scheer	Williams
Blood	Ebke	Larson	Smith	Wishart
Bolz	Friesen	Lindstrom	Stinner	
Bostelman	Hansen	Linehan	Vargas	
Brasch	Harr	McCollister	Walz	
Brewer	Hughes	Morfeld	Watermeier	

Voting in the negative, 9:

Clements	Geist	Halloran	Kuehn	McDonnell
Erdman	Groene	Hilgers	Lowe	

Present and not voting, 9:

Briese	Hilkemann	Krist	Pansing Brooks	Schumacher
Craighead	Howard	Murante	Riepe	

The Friesen motion to invoke cloture failed with 31 ayes, 9 nays, and 9 present and not voting.

The Chair declared the call raised.

MOTION(S) - Confirmation Report(s)

Senator Albrecht moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 1100:

Boiler Safety Code Advisory Board
Martin Kasl

Voting in the affirmative, 31:

Albrecht	Craighead	Hilkemann	McCollister	Stinner
Baker	Crawford	Howard	Morfeld	Walz
Blood	Erdman	Kolowski	Murante	Watermeier
Bostelman	Geist	Kolterman	Pansing Brooks	
Brasch	Groene	Krist	Quick	
Briese	Halloran	Larson	Scheer	
Clements	Hilgers	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 18:

Bolz	Friesen	Kuehn	Riepe	Williams
Brewer	Hansen	Linehan	Smith	Wishart
Chambers	Harr	Lowe	Vargas	
Ebke	Hughes	McDonnell	Wayne	

The appointment was confirmed with 31 ayes, 0 nays, and 18 present and not voting.

Senator Albrecht moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 1100:

Boiler Safety Code Advisory Board
Aaron Jazyuka

Voting in the affirmative, 36:

Albrecht	Crawford	Hilkemann	Linehan	Stinner
Baker	Ebke	Howard	Lowe	Vargas
Blood	Erdman	Kolowski	Morfeld	Walz
Brasch	Friesen	Kolterman	Murante	Wishart
Brewer	Geist	Krist	Pansing Brooks	
Briese	Groene	Kuehn	Quick	
Clements	Halloran	Larson	Scheer	
Craighead	Hilgers	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 13:

Bolz	Hansen	McCollister	Smith	Williams
Bostelman	Harr	McDonnell	Watermeier	
Chambers	Hughes	Riepe	Wayne	

The appointment was confirmed with 36 ayes, 0 nays, and 13 present and not voting.

GENERAL FILE

LEGISLATIVE BILL 259A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, and 18 present and not voting.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 120.** Introduced by Scheer, 19.

WHEREAS, Israel was born on May 14, 1948, as an independent, democratic, Jewish state built on the framework of liberty, justice, and peace; and

WHEREAS, Israel has much to commemorate and celebrate, most notably the fact that it has established itself in a short time as a free, modern, and politically stable nation; and

WHEREAS, Israel is a leading world contributor toward the advancement of agriculture, computer science, electronics, genetics, medicine, engineering, art, and culture; and

WHEREAS, the people of Nebraska have enjoyed a well-established economic partnership with the people of Israel; and

WHEREAS, this partnership has led to numerous trade arrangements with Israel that totaled nearly \$47,000,000 in total trade in 2015; and

WHEREAS, Nebraska is currently the only state authorized to ship kosher beef to Israel; and

WHEREAS, several of Nebraska's irrigation and agricultural-technology companies lead in exports to Israel, helping to strengthen Israel's agricultural economy and advance sustainable water use research; and

WHEREAS, Israel continues to stand united with America as beacons for democracy and freedom.

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

1. That the Legislature acknowledges the rich history of friendship and commerce between Nebraska and Israel and strongly supports the Jewish State.

2. That the Legislature congratulates and salutes Israel on the occasion of its 69th anniversary and expresses admiration for Israel's accomplishments and strength and best wishes for a peaceful and prosperous future.

3. That copies of this resolution be sent to the Consul General of Israel to the Midwest, Aviv Ezra, and to the Israeli Ambassador to the United States, Ron Dermer.

Laid over.

LEGISLATIVE RESOLUTION 121. Introduced by Scheer, 19.

WHEREAS, with the end of the Cold War in the late 1980s, western and eastern European nations experienced a vast thaw in their previously austere relationships, with new opportunities for cooperation and diplomatic, security, and economic ties between the United States and its North Atlantic Treaty Organization (NATO) allies and the prior Warsaw Pact partners; and

WHEREAS, identifying the critical need to rebuild shared democratic and military aspirations with the newly independent nations of Eastern Europe as a priority, the National Guard State Partnership Plan Program (SPP) was

established in 1993 in response to the changed political and military situations; and

WHEREAS, the SPP sought to link the National Guards of states in the United States with Ministries of Defense of the emerging democratic nations of Central and Eastern Europe and Eurasia in cooperative activities of mutual benefit; and

WHEREAS, the program has grown worldwide to include 73 unique security partnerships involving 79 nations and 54 participating U.S. states and territories; and

WHEREAS, in 1993 the Nebraska National Guard joined a previously established partnership between the Czech Republic and Texas. In 1999, the partnership evolved to include all aspects of the public and private sector as the Czech Republic prepared to be accepted into NATO; and

WHEREAS, in 2016, the SPP between Nebraska, Texas, and the Czech Republic, involved 34 separate exchanges between the Czech military and members of the Nebraska and Texas National Guards; and

WHEREAS, a special delegation from the Czech Republic is visiting Nebraska on May 3-4, 2017, including: Martin Stropnický, Czech Republic Minister of Defense; Major General Petr Mikulěnka, Deputy Chief of the General Staff; Mr. Jan Jires, Defense Policy Director, Ministry of Defense; Bořek Lizec, Consulate General of the Czech Republic; and other distinguished guests; and

WHEREAS, Wilber, Nebraska, is the Czech Capitol of the U.S.A., home of the Miss Czech-Slovak U.S. Pageant, and home of the National Czech Festival, in its 56th year in 2017, which serves as another valuable and treasured tie between Nebraskans and their Czech heritage.

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

1. That the Legislature recognizes the significance of the close ties between Nebraska and the Czech Republic through the State Partnership Plan and wishes to express its appreciation for the honor of this visit by the distinguished diplomatic and military guests from the Czech Republic.

Laid over.

LEGISLATIVE RESOLUTION 122. Introduced by McCollister, 20; Baker, 30; Blood, 3; Briese, 41; Howard, 9; Kolterman, 24; Krist, 10; Linehan, 39; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Walz, 15.

PURPOSE: The purpose of this resolution is to examine public assistance programs in Nebraska, including, but not limited to, the Supplemental Nutrition Assistance Program, in order to determine whether program structures could be improved to better reward work and allow forward momentum for program participants.

The study shall include, but not be limited to, the following issues:

(1) The eligibility thresholds of public assistance programs and the effect of these limitations on participants' ability to increase their earnings or take new employment;

(2) Examination of methods other states have utilized to address these eligibility limitations;

(3) Identifying ways to improve public assistance programs in order to reward work and allow program participants to move off of assistance programs; and

(4) The actual impacts LB 81 (2015) had on the cliff effect related to the transitional child care subsidy.

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

1. That the Health and Human Services 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.

GENERAL FILE

LEGISLATIVE BILL 331. Title read. Considered.

Committee AM594, found on page 1122, was offered.

Senator Friesen offered his amendment, AM1156, found on page 1196, to the committee amendment.

Senator Friesen withdrew his amendment.

Senator Kuehn offered his amendment, AM1205, found on page 1221, to the committee amendment.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Larson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

The Kuehn amendment was adopted with 26 ayes, 2 nays, 20 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion:

MO114

Reconsider the vote taken on AM1205.

Senator Chambers asked unanimous consent to withdraw his motion, MO114, to reconsider the vote. No objections. So ordered.

Pending.

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB415:
AM1230

(Amendments to Standing Committee amendments, AM923)

- 1 1. Insert the following new section:
- 2 Sec. 52. If any section in this act or any part of any section is
- 3 declared invalid or unconstitutional, the declaration shall not affect
- 4 the validity or constitutionality of the remaining portions.
- 5 2. On page 45, line 18; page 46, line 22; page 136, line 15; and
- 6 page 137, line 20, strike "~~rendered~~" and insert "beginning".
- 7 3. On page 46, line 4, strike "his or her", show as stricken, and
- 8 insert "the employee's", and in lines 24 and 25 strike "~~his or her~~" and
- 9 insert "the employee's".
- 10 4. On page 47, line 25, after the first "the" insert "service and";
- 11 in line 26 strike "~~and~~" and insert
- 12 "(iv) Accelerating the payment from the employer due to unforeseen
- 13 circumstances that occur before payment is made pursuant to this section,
- 14 including, but not limited to, the employee's termination or retirement
- 15 or the employer's reorganization, consolidation, merger, or closing;
- 16 and"; and in line 27 strike "~~(iv)~~" and insert "(v)".
- 17 5. On page 59, line 12, strike "his or her", show as stricken, and
- 18 insert "the judge's"; and in lines 30 and 31 strike "~~he or she~~" and
- 19 insert "the judge".
- 20 6. On page 60, lines 1, 2, 3, 5, and 10, strike "court" and insert
- 21 "state court administrator"; in line 13 after the first "the" insert
- 22 "service and"; in line 14 strike "~~and~~" and insert
- 23 "(d) Accelerating the payment from the state court administrator due
- 24 to unforeseen circumstances that occur before payment is made pursuant to
- 25 this section, including, but not limited to, the judge's termination or
- 26 retirement or the court's reorganization, consolidation, or merger; and";
- 1 and in line 15 strike "~~(d)~~" and insert "(e)".
- 2 7. On page 67, line 4, strike "~~and~~"; and in line 17 after the
- 3 semicolon insert "and
- 4 (d) Creditable service does not include service provided to an
- 5 employer in the retirement system provided under the Class V School
- 6 Employees Retirement Act".
- 7 8. On page 68, line 7, strike "unreduced"; in line 9 strike
- 8 "vacation" through "sick"; in line 21 strike "retirement" and insert
- 9 "termination"; and in line 24 after "Code" insert "except for payments
- 10 for accrued unused leave".
- 11 9. On page 73, strike beginning with the comma in line 6 through the
- 12 comma in line 7 and show as stricken; and strike lines 18 through 23 and
- 13 insert
- 14 "(39) Service in any capacity means, but is not limited to, working
- 15 as (a) a volunteer, (b) a full-time or part-time employee, regular

16 employee, school employee, substitute employee, temporary employee, or
17 interim employee, (c) an independent contractor, a subcontractor, a
18 consultant, or a third party contractor who performs work for any
19 employer in the retirement system, or (d) as defined in subdivision (30)
20 of section 79-978 of the Class V School Employees Retirement System;".
21 10. On page 74, line 29, strike "if", show as stricken, and insert
22 "for purposes of this subdivision if termination begins on or after July
23 1, 2017, and".
24 11. On page 75, line 5, strike "retirement date" and insert
25 "termination".
26 12. On page 77, lines 18 and 26, strike "retirement" and insert
27 "termination"; and in line 28 strike "an" and insert "any".
28 13. On page 81, line 1, strike "his or her", show as stricken, and
29 insert "the member's".
30 14. On page 82, line 1, after the first "the" insert "service and";
31 in line 2 strike "and" and insert
1 "(iv) Accelerating the payment from the employer due to unforeseen
2 circumstances that occur before payment is made pursuant to this section,
3 including, but not limited to, the member's termination or retirement or
4 the employer's reorganization, consolidation, merger, or closing; and";
5 and in line 3 strike "(iv)" and insert "(v)".
6 15. On page 83, line 3; and page 87, line 14, before "who" insert
7 "or former member".
8 16. On page 95, line 26, strike "unreduced"; and in line 28 strike
9 "vacation" through "sick".
10 17. On page 96, line 9, strike "retirement" and insert
11 "termination"; and in line 12 after "Code" insert "except for payments
12 for accrued unused leave".
13 18. On page 98, strike lines 30 through 31.
14 19. On page 99, strike lines 1 through 3 and insert
15 "(30) Service in any capacity means, but is not limited to, working
16 as (a) a volunteer, (b) a full-time or part-time employee, substitute
17 employee, temporary employee, or interim employee, (c) an independent
18 contractor, a subcontractor, a consultant, or a third party contractor
19 who performs work for any employer in the retirement system, or (d) as
20 defined in subdivision (39) of section 79-902 of the School Employees
21 Retirement System;"; in line 25 strike "if" and insert "for purposes of
22 this subdivision if termination begins on or after July 1, 2017, and";
23 and in line 31 strike "retirement date" and insert "termination".
24 20. On page 104, lines 15 and 21, strike "retirement" and insert
25 "termination".
26 21. On page 116, line 11, strike "his or her", show as stricken, and
27 insert "the officer's".
28 22. On page 117, line 12, after the first "the" insert "service
29 and"; in line 13 strike "and" and insert
30 "(iv) Accelerating the payment from the employer due to unforeseen
31 circumstances that occur before payment is made pursuant to this section,
1 including, but not limited to, the officer's termination or retirement or
2 the employer's reorganization, consolidation, merger, or closing; and";

- 3 and in line 14 strike "(iv)" and insert "(v)".
4 23. On page 137, line 2, strike "his or her", show as stricken, and
5 insert "the employee's"; and in lines 22 and 23 strike "his or her" and
6 insert "the employee's".
7 24. On page 138, line 23, after the first "the" insert "service
8 and"; in line 24 strike "and" and insert
9 "(iv) Accelerating the payment from the employer due to unforeseen
10 circumstances that occur before payment is made pursuant to this section,
11 including, but not limited to, the employee's termination or retirement
12 or the employer's reorganization, consolidation, merger, or closing;
13 and"; and in line 25 strike "(iv)" and insert "(v)".
14 25. On page 145, line 10, strike "52" and insert "53".
15 26. Renumber the remaining sections accordingly.

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to LB75:

MO115

Becomes law notwithstanding the objections of the Governor.

VISITORS

Visitors to the Chamber were 36 fourth-grade students, teachers, and sponsors from St. Wenceslaus School, Wahoo.

RECESS

At 11:58 a.m., on a motion by Senator McCollister, 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 Bolz, Clements, Friesen, Groene, Hilkemann, Kuehn, Scheer, Stinner, Vargas, Wayne, and Wishart who were excused until they arrive.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 259A. Placed on Select File.

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 461. Senator Harr renewed his motion, MO96, found on page 1135, to reconsider the vote taken to recommit to committee.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 63. Placed on Final Reading.

ST22

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

1. On page 1, line 3, "eliminate" has been struck and "change" inserted.

LEGISLATIVE BILL 154. Placed on Final Reading.

LEGISLATIVE BILL 176. Placed on Final Reading.

LEGISLATIVE BILL 231. Placed on Final Reading.

LEGISLATIVE BILL 239. Placed on Final Reading.

LEGISLATIVE BILL 241. Placed on Final Reading.

LEGISLATIVE BILL 264. Placed on Final Reading.

LEGISLATIVE BILL 306. Placed on Final Reading.

LEGISLATIVE BILL 383. Placed on Final Reading.

LEGISLATIVE BILL 409. Placed on Final Reading.

LEGISLATIVE BILL 464. Placed on Final Reading.

LEGISLATIVE BILL 519. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 461. The Harr motion, MO96, found on page 1135 and considered in this day's Journal, to reconsider the vote taken to recommit to committee, was renewed.

SPEAKER SCHEER PRESIDING

Senator Brasch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

PRESIDENT FOLEY PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

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

Voting in the affirmative, 18:

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

Voting in the negative, 29:

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

Present and not voting, 2:

Groene	Wishart
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The Harr motion to reconsider failed with 18 ayes, 29 nays, and 2 present and not voting.

The Chair declared the call raised.

Senator Harr offered the following motion:

MO116

Bracket until June 2, 2017.

Senator Smith offered the following motion:

MO117

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Smith moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the Smith motion to invoke cloture.

Voting in the affirmative, 27:

Albrecht	Ebke	Hilkemann	Linehan	Stinner
Bostelman	Erdman	Hughes	Lowe	Watermeier
Brasch	Friesen	Kolterman	Murante	Williams
Brewer	Geist	Kuehn	Riepe	
Clements	Halloran	Larson	Scheer	
Craighead	Hilgers	Lindstrom	Smith	

Voting in the negative, 9:

Bolz	Hansen	Krist	Quick	Walz
Chambers	Howard	Morfeld	Schumacher	

Present and not voting, 13:

Baker	Crawford	Kolowski	Pansing Brooks	Wishart
Blood	Groene	McCollister	Vargas	
Briese	Harr	McDonnell	Wayne	

The Smith motion to invoke cloture failed with 27 ayes, 9 nays, and 13 present and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 331. Committee AM594, found on page 1122 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 35 ayes, 1 nay, and 13 present and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, and 11 present and not voting.

LEGISLATIVE BILL 332. Title read. Considered.

Committee AM595, found on page 1122, was adopted with 35 ayes, 1 nay, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 3 nays, 18 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 171. Title read. Considered.

Committee AM672, found on page 776, was adopted with 30 ayes, 0 nays, and 19 present and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, and 14 present and not voting.

SELECT FILE

LEGISLATIVE BILL 371. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 86. ER71, found on page 1192, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 476. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 406. ER73, found on page 1192, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 584. ER74, found on page 1192, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 375. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 463. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 318. ER76, found on page 1193, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 280. ER75, found on page 1193, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 624. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 204. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 492. Senator Harr withdrew his amendment, AM1218, found on page 1235.

Senator Harr offered his amendment, AM1234, found on page 1260.

The Harr amendment was adopted with 34 ayes, 0 nays, and 15 present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 274. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 209. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 307. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 517. ER79, found on page 1208, was adopted.

Senator Pansing Brooks offered her amendment, AM1221, found on page 1260.

The Pansing Brooks amendment was adopted with 39 ayes, 0 nays, and 10 present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 320. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 458. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 200. ER78, found on page 1208, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 508. ER77, found on page 1208, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 382. Advanced to Enrollment and Review for Engrossment.

AMENDMENT(S) - Print in Journal

Senator Watermeier filed the following amendment to LB461:
AM1245

(Amendments to Standing Committee amendments, AM954)

- 1 1. On page 24, strike lines 6 through 23 and insert the following
- 2 new subsection:
- 3 "(3) Beginning in November 2019 and each November thereafter, the
- 4 Tax Rate Review Committee shall examine the expected rate of growth in
- 5 net General Fund receipts from the current fiscal year to the upcoming
- 6 fiscal year, as determined by the Nebraska Economic Forecasting Advisory

7 Board. If the expected rate of growth in net General Fund receipts
8 exceeds four percent for the upcoming fiscal year, the Tax Rate Review
9 Committee shall declare that the income tax rate under subsection (4) of
10 section 77-2715.03 for the top tax bracket shall be reduced by .083% for
11 taxable years beginning or deemed to begin on or after the following
12 January 1, except that such rate shall not be reduced below 5.99 percent
13 under this subsection. The Tax Commissioner shall prepare tax tables as
14 required in section 77-2715.03 and withholding tables as required in
15 section 77-2753 reflecting the change in rates or that there is no change
16 in rates from the preceding tax year"; in line 24 after "2019" insert
17 "and each November thereafter"; in line 26 after "four" insert "and one-
18 half"; in line 28 strike "(1)(d)" and insert "(1)(c)"; and in line 29
19 strike "two-tenths" and insert "one-tenth".

20 2. On page 25, line 2, strike "defers" and insert "declares"; in
21 line 3 strike "step"; in line 5 strike "deferral" and insert "reduction";
22 and after line 14 insert the following new subsection:
23 "(6) Beginning in November 2019 and each November thereafter through
24 November 2028, if the expected rate of growth in net General Fund
25 receipts, as determined under subsection (3) of this section, exceeds
26 three and one-half percent for the upcoming fiscal year, the Tax Rate
27 Review Committee shall certify the expected rate of growth to the State
28 Treasurer. Upon receipt of such certification, the State Treasurer shall
29 transfer seventy-five million dollars from the General Fund to the
30 Property Tax Credit Cash Fund."

31 3. On page 26, strike beginning with "of" in line 16 through
32 "deferred" in line 17 and insert ", 2020"; and strike beginning with
33 "Step" in line 28 through line 29 and insert "For taxable years beginning
34 or deemed to begin on or after January 1, 2020".

35 4. On page 27, strike beginning with "Committee" in line 1 through
36 "effective" in line 3; in line 13 strike "6.73%" and insert "Committee-
37 Adjusted Rate"; after line 13 insert the following new paragraph:
38 "For purposes of this subsection, committee-adjusted rate means a
39 rate of 6.84% minus .083% for each time that the Tax Rate Review
40 Committee has declared an income tax rate reduction under subsection (3)
41 of section 77-2715.01. The committee-adjusted rate shall not be decreased
42 below 5.99% for any taxable year."; and strike lines 14 through 30.

43 5. On page 28, strike lines 1 through 30.
44 6. On page 29, strike lines 1 through 30.
45 7. On page 30, strike lines 1 through 30.
46 8. On page 31, strike line 1; in line 2 strike "(13)(a)" and insert
47 "(5)(a)"; in lines 4 and 22 strike "(11)" and insert "(4)"; in line 6
48 strike "(13)(b)" and insert "(5)(b)"; in line 23 strike "(14)" and insert
49 "(6)"; and in line 27 strike "(15)" and insert "(7)".
50 9. On page 32, line 4, strike "(16)" and insert "(8)"; and in line 8
51 strike "(17)" and insert "(9)".
52 10. On page 40, line 29, strike "2019" and insert "2020".
53 11. On page 41, line 1, after the semicolon insert "and"; strike
54 lines 2 through 6; in line 7 strike "(d)" and insert "(c)"; and in line
55 12 strike "7.59" and insert "7.81" and strike "0.20" and insert "one-

30 tenth of one".

31 12. On page 42, line 14, strike "reduction steps" and insert
1 "reductions".

Senator Watermeier filed the following amendment to LB461:
AM1258

(Amendments to Standing Committee amendments, AM954)

1 1. On page 24, strike lines 6 through 23 and insert the following
2 new subsection:

3 "(3) Beginning in November 2019 and each November thereafter, the
4 Tax Rate Review Committee shall examine the expected rate of growth in
5 net General Fund receipts from the current fiscal year to the upcoming
6 fiscal year, as determined by the Nebraska Economic Forecasting Advisory
7 Board. If the expected rate of growth in net General Fund receipts
8 exceeds four percent for the upcoming fiscal year, the Tax Rate Review
9 Committee shall declare that the income tax rate under subsection (4) of
10 section 77-2715.03 for the top tax bracket shall be reduced by .083% for
11 taxable years beginning or deemed to begin on or after the following
12 January 1, except that such rate shall not be reduced below 5.99 percent
13 under this subsection. The Tax Commissioner shall prepare tax tables as
14 required in section 77-2715.03 and withholding tables as required in
15 section 77-2753 reflecting the change in rates or that there is no change
16 in rates from the preceding tax year."; in line 24 after "2019" insert
17 "and each November thereafter"; in line 26 after "four" insert "and one-
18 half"; in line 28 strike "(1)(d)" and insert "(1)(c)"; and in line 29
19 strike "two-tenths" and insert "one-tenth".

20 2. On page 25, line 2, strike "defers" and insert "declares"; in
21 line 3 strike "step"; in line 5 strike "deferral" and insert "reduction";
22 and after line 14 insert the following new subsection:

23 "(6) Beginning in November 2019 and each November thereafter through
24 November 2028, if the expected rate of growth in net General Fund
25 receipts, as determined under subsection (3) of this section, exceeds
26 three and one-half percent for the upcoming fiscal year, the Tax Rate
1 Review Committee shall certify the expected rate of growth to the State
2 Treasurer. Upon receipt of such certification, the State Treasurer shall
3 transfer seventy-five million dollars from the General Fund to the
4 Property Tax Credit Cash Fund.".

5 3. On page 26, strike beginning with "of" in line 16 through
6 "deferred" in line 17 and insert ", 2020"; and strike beginning with
7 "Step" in line 28 through line 29 and insert "For taxable years beginning
8 or deemed to begin on or after January 1, 2020".

9 4. On page 27, strike beginning with "Committee" in line 1 through
10 "effective" in line 3; in line 13 strike "6.73%" and insert "Committee-
11 Adjusted Rate"; after line 13 insert the following new paragraph:
12 "For purposes of this subsection, committee-adjusted rate means a
13 rate of 6.84% minus .083% for each time that the Tax Rate Review
14 Committee has declared an income tax rate reduction under subsection (3)
15 of section 77-2715.01. The committee-adjusted rate shall not be decreased
16 below 5.99% for any taxable year."; and strike lines 14 through 30.

17 5. On page 28, strike lines 1 through 30.

18 6. On page 29, strike lines 1 through 30.

19 7. On page 30, strike lines 1 through 30.
 20 8. On page 31, strike line 1; in line 2 strike "(13)(a)" and insert
 21 "(5)(a)"; in lines 4 and 22 strike "(11)" and insert "(4)"; in line 6
 22 strike "(13)(b)" and insert "(5)(b)"; in line 23 strike "(14)" and insert
 23 "(6)"; and in line 27 strike "(15)" and insert "(7)".
 24 9. On page 32, line 4, strike "(16)" and insert "(8)"; and in line 8
 25 strike "(17)" and insert "(9)".
 26 10. On page 40, line 29, strike "2019" and insert "2020".
 27 11. On page 41, line 1, after the semicolon insert "and"; strike
 28 lines 2 through 6; in line 7 strike "(d)" and insert "(c)"; and in line
 29 12 strike "7.59" and insert "7.81" and strike "0.20" and insert "one-
 30 tenth of one".
 31 12. On page 42, line 14, strike "reduction steps" and insert
 1 "reductions".

Senator Craighead filed the following amendment to LB327:
 AM1255

(Amendments to Standing Committee amendments, AM590)

1 1. On page 55, line 12, strike the first "and"; and in line 13 after
 2 "entities" insert ", and public or private health care facilities that
 3 provide comprehensive primary care in addition to preventive care
 4 services. The department shall disburse such funds to a public or private
 5 health care facility which does not provide comprehensive primary care if
 6 necessary to prevent severe limitation or elimination of access to
 7 services of the kind provided by the Federal Title X Program in any
 8 region of the state".

Senator Watermeier filed the following amendment to LB461:
 AM1259 is available in the Bill Room.

Senator Wayne filed the following amendment to LB327:
 AM1229

(Amendments to Standing Committee amendments, AM590)

1 1. On page 38, strike line 28 and insert:
 2 "GENERAL FUND 140,392,199 143,176,497".
 3 2. On page 39, strike line 2 and insert:
 4 "PROGRAM TOTAL 487,426,496 477,984,767".
 5 3. On page 48, strike line 14 and insert:
 6 "GENERAL FUND 169,625,089 169,625,089"; strike line 17 and insert:
 7 "PROGRAM TOTAL 203,311,606 203,311,606"; and in lines 19 and 22
 8 strike "\$165,108,214" and insert "\$169,625,089".

VISITORS

Visitors to the Chamber were 20 fourth-grade students from Bloomfield Elementary; 45 fourth-grade students from Laura Dodge Elementary, Omaha; 12 fifth-grade students, teacher, and sponsors from Mary Lynch Elementary, Kimball; and 27 fourth-grade students from Amherst Elementary.

RECESS

At 5:34 p.m., on a motion by Senator Linehan, 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 Bolz, Clements, Groene, Hilkemann, Larson, McDonnell, Murante, Smith, Stinner, Vargas, Watermeier, Wayne, and Wishart who were excused until they arrive.

MOTION(S) - Place LB651 on General File

Senator Linehan offered her motion, MO103, found on page 1221, to place LB651 on General File pursuant to Rule 3, Section 20(b).

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

Senator Harr requested a ruling of the Chair on whether there had been a full and fair debate, pursuant to Rule 7, Sec. 4, on the Linehan motion.

The Chair ruled there had been a full and fair debate on the Linehan motion.

Senator Harr challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Harr withdrew his motion to overrule the Chair.

The motion to cease debate prevailed with 28 ayes, 3 nays, and 18 not voting.

Senator Hilgers moved for a call of the house. The motion prevailed with 38 ayes, 1 nay, and 10 not voting.

Senator Linehan requested a roll call vote on the motion to place LB651 on General File.

Voting in the affirmative, 30:

Albrecht	Craighead	Halloran	Lindstrom	Scheer
Bostelman	Ebke	Hilgers	Linehan	Smith
Brasch	Erdman	Hughes	Lowe	Stinner
Brewer	Friesen	Kolterman	McDonnell	Vargas
Briese	Geist	Kuehn	Murante	Watermeier
Clements	Groene	Larson	Riepe	Wayne

Voting in the negative, 13:

Bolz	Hansen	Kolowski	Pansing Brooks Williams
Chambers	Harr	Krist	Quick
Crawford	Hilkemann	Morfeld	Walz

Present and not voting, 6:

Baker	Howard	Schumacher
Blood	McCollister	Wishart

The Linehan motion to place LB651 on General File prevailed with 30 ayes, 13 nays, and 6 present and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 578. ER63, found on page 1089, was adopted.

Senator McDonnell withdrew his amendment, AM1172, found on page 1247.

Senator McDonnell offered the following amendment:
AM1262

(Amendments to AM917)

1 1. On page 1, line 18, after "(3)" insert "Capitation payment means
2 a payment the state makes periodically to a contractor on behalf of each
3 beneficiary enrolled under a contract and based on the actuarially sound
4 capitation rate for the provision of services under the state plan and
5 which the state makes regardless of whether the particular beneficiary
6 receives services during the period covered by the payment;
7 (4)"; in line 22 strike "(4)" and insert "(5)"; and in line 26
8 strike "(5)" and insert "(6)".
9 2. On page 2, line 3, strike "(6)" and insert "(7)"; in line 7
10 strike "(7)" and insert "(8)"; and after line 10 insert:
11 "Revenue from the intergovernmental transfer program created under
12 the Ground Emergency Medical Transport Act shall be deposited into the
13 Health and Human Services Cash Fund."

The McDonnell amendment was adopted with 29 ayes, 1 nay, 18 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

MOTION(S) - Return LB427 to Select File

Senator Erdman moved to return LB427 to Select File for his specific amendment, AM1166, found on page 1191.

The Erdman motion to return failed with 11 ayes, 28 nays, 9 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 427.

A BILL FOR AN ACT relating to parenting; to amend section 20-170, Reissue Revised Statutes of Nebraska; to state findings; to provide duties for school districts and the State Department of Education relating to policies for pregnant and parenting students; to provide for training; to change provisions relating to the right to breast-feed as prescribed; and to repeal the original section.

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

Voting in the affirmative, 31:

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

Voting in the negative, 7:

Bostelman	Erdman	Halloran	Riepe
Clements	Geist	Low	

Present and not voting, 10:

Albrecht	Brewer	Friesen	Hughes	Linehan
Brasch	Briese	Groene	Kuehn	Watermeier

Excused and not voting, 1:

Larson

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB427.

AMENDMENT(S) - Print in Journal

Senator Murante filed the following amendment to LB451:
AM1244

(Amendments to E & R amendments, ER80)

1 1. Strike section 7 and insert the following new section:

2 Sec. 7. Section 32-566, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 32-566 (1) When a vacancy occurs in the Legislature, the office
5 shall be filled by the Governor. The Governor shall appoint a suitable
6 person possessing the qualifications necessary for a member of the
7 Legislature.

8 (2) If the vacancy occurs at any time on or after May 1 of the
9 second year of the term of office, the appointee shall serve for the
10 remainder of the unexpired term. If the vacancy occurs at any time prior
11 to May 1 of the second year of the term of office within sixty days of a
12 regular general election and if the term vacated expires on the first
13 Tuesday following the first Monday in the following January, the
14 appointee shall serve until the first Tuesday following the first Monday
15 in January, and if the term extends beyond the first Tuesday following
16 the first Monday in the following January, the appointee shall serve
17 until the first Tuesday following the first Monday in January following
18 the second regular general election next succeeding his or her
19 appointment. If the vacancy occurs more than sixty days before a regular
20 general election, the appointee shall serve until the first Tuesday
21 following the first Monday in January following the next such regular
22 general election and at the regular general election a member of the
23 Legislature shall be elected to serve the unexpired term as provided in
24 subsection (3) of this section.

25 (3)(a) If the vacancy occurs on or after February 1 and prior to May
26 1 during the second year of the term of office, the vacancy shall be
1 filled at the regular election in November of that year. Candidates shall
2 file petitions to appear on the ballot for such election as provided in
3 section 32-617.

4 (b) If the vacancy occurs at any time prior to February 1 of the
5 second year of the term of office, the procedure for filling the vacated
6 office shall be the same as the procedure for filling the office at the
7 expiration of the term and candidates shall be nominated and elected at
8 the statewide primary and general elections during the second year of the
9 term.

Senator Linehan filed the following amendment to LB651:

AM1226

- 1 1. On page 2, lines 18 and 27, strike "state-approved" and "or
- 2 statewide".
- 3 2. On page 3, line 8, strike "state-approved" and "or"; in line 9
- 4 strike "statewide"; and in line 28 strike "statewide" and insert "local".
- 5 3. On page 4, line 4, strike the second "the" and insert "a"; and in
- 6 lines 5, 10, and 28 strike "statewide" and insert "local".
- 7 4. On page 5, line 2, strike "statewide" and insert "local"; in line
- 8 10 strike "and"; after line 10 insert the following new subdivision:
- 9 "(g) A student whose parents or legal guardian submits to the school
- 10 district a statement in writing indicating both a preference for such
- 11 student to be promoted to the next grade and a plan to address the
- 12 student's reading deficiency; and"; and in line 11 strike "(g)" and
- 13 insert "(h)".
- 14 5. On page 6, line 14, after the second "school" insert "district";
- 15 in line 21 after the first "the" insert "local"; and strike beginning
- 16 with "portion" in line 21 through "statewide" in line 22.
- 17 6. On page 7, line 18, strike "outlined in a parental contract"; and
- 18 in line 30 after "on" insert "local".
- 19 7. On page 8, lines 15 and 16, strike "outlined in a parental
- 20 contract"; and in line 31 strike "state-approved".
- 21 8. On page 9, line 1, strike "or statewide assessment"; in line 4
- 22 strike "state-approved"; strike beginning with "or" in line 4 through
- 23 "assessment" in line 5; in line 20 after the second "information" insert
- 24 "electronically"; and in line 22 strike "electronically to".

VISITORS

The Doctor of the Day was Dr. John Jacobsen from Omaha.

ADJOURNMENT

At 9:05 p.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Wednesday, May 3, 2017.

Patrick J. O'Donnell
Clerk of the Legislature

