

**SEVENTY-SIXTH DAY - MAY 4, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**SEVENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 4, 2017

**PRAYER**

The prayer was offered by Pastor Gretchen Ritola, St. Luke and St. Paul's Lutheran Churches, Emerson.

**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 Hansen, Kolowski, Kolterman, Kuehn, Murante, Watermeier, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-fifth day was approved.

**SELECT FILE**

**LEGISLATIVE BILL 331.** ER85, found on page 1299, was adopted.

Senator Stinner withdrew his amendment, AM494, found on page 636.

Senator Stinner offered the following amendment:  
AM1285

(Amendments to E & R amendments, ER85)

- 1 1. Purpose: Correction of transfers that were supposed to be
- 2 included in the original Appropriations Committee Amendment (AM594), but
- 3 were left out in error.
- 4 Amendment:
- 5 a. Insert the following new sections:
- 6 Sec. 31. Section 66-204, Revised Statutes Cumulative Supplement,
- 7 2016, is amended to read:
- 8 66-204 (1) The Clean-burning Motor Fuel Development Fund is created.
- 9 The fund shall consist of grants, private contributions, and all other
- 10 sources.

11 (2) The fund shall be used by the State Energy Office to provide  
12 rebates under the Nebraska Clean-burning Motor Fuel Development Act up to  
13 the amount transferred under subsection (3) of this section. No more than  
14 thirty-five percent of the money in the fund annually shall be used as  
15 rebates for flex-fuel dispensers. The State Energy Office may use the  
16 fund for necessary costs in the administration of the act up to an amount  
17 not exceeding ten percent of the fund annually.

18 (3) Within five days after August 30, 2015, the State Treasurer  
19 shall transfer five hundred thousand dollars from the General Fund to the  
20 Clean-burning Motor Fuel Development Fund to carry out the Nebraska  
21 Clean-burning Motor Fuel Development Act.

22 (4) Any money in the fund available for investment shall be invested  
23 by the state investment officer pursuant to the Nebraska Capital  
24 Expansion Act and the Nebraska State Funds Investment Act.

25 (5) The State Treasurer shall transfer two hundred thousand dollars  
26 from the Clean-burning Motor Fuel Development Fund to the General Fund on  
1 or before June 30, 2018, on such dates and in such amounts as directed by  
2 the budget administrator of the budget division of the Department of  
3 Administrative Services.

4 Sec. 35. Section 68-940.01, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 68-940.01 The State Medicaid Fraud Control Unit Cash Fund is  
7 created. The fund shall be maintained by the Department of Justice and  
8 administered by the Attorney General. The fund shall consist of any  
9 recovery for the state's costs and attorney's fees received pursuant to  
10 subdivision (2)(b) of section 68-940 and sections 68-936 and 68-939,  
11 except criminal penalties, whether such recovery is by way of verdict,  
12 judgment, compromise, or settlement in or out of court, or other final  
13 disposition of any case or controversy under such subdivision or  
14 sections. Money in the fund shall be used to pay the salaries and related  
15 expenses of the Department of Justice for the state medicaid fraud  
16 control unit.

17 The State Treasurer shall transfer five hundred thousand dollars  
18 from the State Medicaid Fraud Control Unit Cash Fund to the General Fund  
19 on or before June 30, 2018, on such dates and in such amounts as directed  
20 by the budget administrator of the budget division of the Department of  
21 Administrative Services.

22 Any money in the fund available for investment shall be invested by  
23 the state investment officer pursuant to the Nebraska Capital Expansion  
24 Act and the Nebraska State Funds Investment Act.

25 b. On page 63, line 20, after "60-3,218," insert "68-940.01,"; and  
26 in line 23 after "61-218," insert "66-204,".

27 c. Renumber the remaining sections accordingly.

28 2. Purpose: Change timing of a transfer.

29 Amendment:

30 a. On page 9, strike beginning with "or" in line 13 through "2017"  
31 in line 14 and insert "July 1, 2017, or as soon thereafter as  
1 administratively possible"; and in line 16 strike "July 1" and insert  
2 "July 8".

3 b. On page 10, strike beginning with "or" in line 16 through "2017"  
 4 in line 17 and insert "July 1, 2017, or as soon thereafter as  
 5 administratively possible"; and in line 19 strike "July 1" and insert  
 6 "July 8".

7 3. Purpose: Properly identify transfer language.

8 Amendment:

9 a. On page 61, line 26, after the second "Act" insert ", and for the  
 10 period July 1, 2017, through June 30, 2019, any interest earned by the  
 11 fund shall be credited to the General Fund"; and strike lines 27 through  
 12 29.

13 b. On page 62, line 25, strike "(1)".

14 c. On page 63, line 15, after "Act" insert ", and for the period  
 15 July 1, 2017, through June 30, 2019, any interest earned by the fund  
 16 shall be credited to the General Fund"; and strike lines 16 through 18.

Senator Stinner moved for a call of the house. The motion prevailed with 28  
 ayes, 1 nay, and 20 not voting.

The Stinner amendment was adopted with 26 ayes, 3 nays, 11 present and  
 not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Stinner offered the following amendment:

AM1278

(Amendments to E & R amendments, ER85)

1 1. Insert the following new sections:

2 Sec. 39. Section 77-2715.01, Revised Statutes Cumulative Supplement,  
 3 2016, is amended to read:

4 77-2715.01 (1)(a) Commencing in 1987 the Legislature shall set the  
 5 rates for the income tax imposed by section 77-2715 and the rate of the  
 6 sales tax imposed by subsection (1) of section 77-2703. For taxable years  
 7 beginning or deemed to begin before January 1, 2013, the rate of the  
 8 income tax set by the Legislature shall be considered the primary rate  
 9 for establishing the tax rate schedules used to compute the tax.

10 (b) The Legislature shall set the rates of the sales tax and income  
 11 tax so that the estimated funds available plus estimated receipts from  
 12 the sales, use, income, and franchise taxes will be not less than three  
 13 percent nor more than seven percent in excess of the appropriations and  
 14 express obligations for the biennium for which the appropriations are  
 15 made, except that for the biennium ending June 30, 2019, the percentage  
 16 shall not be less than two and one-half percent nor more than seven  
 17 percent. The purpose of this subdivision is to insure that there shall be  
 18 maintained in the state treasury an adequate General Fund balance,  
 19 considering cash flow, to meet the appropriations and express obligations  
 20 of the state.

21 (c) For purposes of this section, express obligation shall mean an  
 22 obligation which has fiscal impact identifiable by a sum certain or by an  
 23 established percentage or other determinative factor or factors.

24 (2) The Speaker of the Legislature and the chairpersons of the  
25 Legislature's Executive Board, Revenue Committee, and Appropriations  
26 Committee shall constitute a committee to be known as the Tax Rate Review  
1 Committee. The Tax Rate Review Committee shall meet with the Tax  
2 Commissioner within ten days after July 15 and November 15 of each year  
3 and shall determine whether the rates for sales tax and income tax should  
4 be changed. In making such determination the committee shall recalculate  
5 the requirements pursuant to the formula set forth in subsection (1) of  
6 this section, taking into consideration the appropriations and express  
7 obligations for any session, all miscellaneous claims, deficiency bills,  
8 and all emergency appropriations. The committee shall prepare an annual  
9 report of its determinations under this section. The committee shall  
10 submit such report electronically to the Legislature and shall append the  
11 tax expenditure report required under section 77-382 and the revenue  
12 volatility report required under section 50-419.02.

13 In the event it is determined by a majority vote of the committee  
14 that the rates must be changed as a result of a regular or special  
15 session or as a result of a change in the Internal Revenue Code of 1986  
16 and amendments thereto, other provisions of the laws of the United States  
17 relating to federal income taxes, and the rules and regulations issued  
18 under such laws, the committee shall petition the Governor to call a  
19 special session of the Legislature to make whatever rate changes may be  
20 necessary.

21 Sec. 41. Section 81-125.01, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 81-125.01 The Governor, when preparing the budget provided for in  
24 section 81-125, and the Legislature, when preparing its proposed budget,  
25 shall include a reserve requirement, calculated pursuant to subsection  
26 (1) of section 77-2715.01, of not less than three percent of the  
27 appropriations included in such budget, except that for the biennium  
28 ending June 30, 2019, the percentage shall not be less than two and one-  
29 half percent.

30 2. On page 63, line 20, before "81-179" insert "81-125.01,"; and in  
31 line 24, after the third comma insert "77-2715.01,".

1 3. Renumber the remaining sections accordingly.

2 4. Purpose: Lower the amount of the transfer to the Water  
3 Sustainability Fund by \$1,200,000 for fiscal year 2018-19.

4 Amendment:

5 a. On page 1, line 15, strike "\$10,670,000" and insert "\$9,470,000".

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

Senator Bolz moved for a call of the house. The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Senator Morfeld requested a roll call vote, in reverse ordered, on the motion to cease debate.

Voting in the affirmative, 30:

|           |           |             |                |            |
|-----------|-----------|-------------|----------------|------------|
| Baker     | Harr      | Larson      | Pansing Brooks | Vargas     |
| Blood     | Hilkemann | Lindstrom   | Quick          | Walz       |
| Bolz      | Howard    | McCollister | Riepe          | Watermeier |
| Craighead | Kolowski  | McDonnell   | Scheer         | Wayne      |
| Crawford  | Kolterman | Morfeld     | Smith          | Williams   |
| Ebke      | Krist     | Murante     | Stinner        | Wishart    |

Voting in the negative, 13:

|           |          |         |          |            |
|-----------|----------|---------|----------|------------|
| Albrecht  | Brewer   | Erdman  | Halloran | Schumacher |
| Bostelman | Briese   | Friesen | Hughes   |            |
| Brasch    | Clements | Groene  | Lowe     |            |

Present and not voting, 5:

|          |       |        |         |         |
|----------|-------|--------|---------|---------|
| Chambers | Geist | Hansen | Hilgers | Linehan |
|----------|-------|--------|---------|---------|

Excused and not voting, 1:

Kuehn

The motion to cease debate prevailed with 30 ayes, 13 nays, 5 present and not voting, and 1 excused and not voting.

The Stinner amendment was adopted with 32 ayes, 15 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Erdman offered the following motion:

MO120

Bracket until June 2, 2017.

#### **SENATOR HUGHES PRESIDING**

Senator Erdman withdrew his motion to bracket.

Advanced to Enrollment and Review for Engrossment.

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

**LEGISLATIVE BILL 259A.** Placed on Final Reading.

**LEGISLATIVE BILL 451.** Placed on Final Reading.

**LEGISLATIVE BILL 578.** Placed on Final Reading.  
**LEGISLATIVE BILL 647.** Placed on Final Reading.  
**LEGISLATIVE BILL 647A.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

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

Senator Larson filed the following amendment to LB632:

AM86

1 1. On page 2, line 23, strike "residences" and insert "residence  
 2 addresses".

Senator Pansing Brooks filed the following amendment to LB289:

AM1175

(Amendments to E & R amendments, ER39)

1 1. Strike sections 8 and 9 and insert the following new sections:

2 Sec. 8. Section 28-830, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:

4 28-830 For purposes of sections 28-830 and 28-831, the following  
 5 definitions apply:

6 (1) Actor means a person who solicits, procures, or supervises the  
 7 services or labor of another person;

8 (2) Commercial sexual activity means any sex act on account of which  
 9 anything of value is given, promised to, or received by any person;

10 (3) Debt bondage means inducing another person to provide:

11 (a) Commercial sexual activity in payment toward or satisfaction of  
 12 a real or purported debt; or

13 (b) Labor or services in payment toward or satisfaction of a real or  
 14 purported debt if:

15 (i) The reasonable value of the labor or services is not applied  
 16 toward the liquidation of the debt; or

17 (ii) The length of the labor or services is not limited and the  
 18 nature of the labor or services is not defined;

19 (4) Financial harm means theft by extortion as described by section  
 20 28-513;

21 (5) Forced labor or services means labor or services that are  
 22 performed or provided by another person and are obtained or maintained  
 23 through:

24 (a) Inflicting or threatening to inflict serious personal injury, as  
 25 defined by section 28-318, on another person;

26 (b) Physically restraining or threatening to physically restrain the  
 1 other person;

2 (c) Abusing or threatening to abuse the legal process against  
 3 another person to cause arrest or deportation for violation of federal  
 4 immigration law;

5 (d) Controlling or threatening to control another person's access to  
 6 a controlled substance listed in Schedule I, II or III of section 28-405;

7 (e) Exploiting another person's substantial functional impairment as

8 defined in section 28-368 or substantial mental impairment as defined in  
9 section 28-369;

10 (f) Knowingly destroying, concealing, removing, confiscating, or  
11 possessing any actual or purported passport or other immigration document  
12 or any other actual or purported government identification document of  
13 the other person; or

14 (g) Causing or threatening to cause financial harm to another  
15 person, including debt bondage;

16 (6) Labor or services means work or activity of economic or  
17 financial value;

18 (7) Labor trafficking means knowingly recruiting, enticing,  
19 harboring, transporting, providing, or obtaining by any means or  
20 attempting to recruit, entice, harbor, transport, provide, or obtain by  
21 any means a person eighteen years of age or older intending or knowing  
22 that the person will be subjected to forced labor or services;

23 (8) Labor trafficking of a minor means knowingly recruiting,  
24 enticing, harboring, transporting, providing, or obtaining by any means  
25 or attempting to recruit, entice, harbor, transport, provide, or obtain  
26 by any means a minor intending or knowing that the minor will be  
27 subjected to forced labor or services;

28 (9) Maintain means, in relation to labor or services, to secure  
29 continued performance thereof, regardless of any initial agreement by the  
30 other person to perform such type of service;

31 (10) Minor means a person younger than eighteen years of age;

1 ~~(11) Obtain means, in relation to labor or services, to secure~~  
2 ~~performance thereof;~~

3 ~~(12) Services means an ongoing relationship between the actor and~~  
4 ~~another person in which the person performs activities under the~~  
5 ~~supervision of or for the benefit of the actor. Commercial sexual~~  
6 ~~activity and sexually explicit performances are forms of services under~~  
7 ~~this section. Nothing in this subdivision shall be construed to legalize~~  
8 ~~prostitution;~~

9 (11) ~~(13)~~ Sex trafficking means knowingly  
10 recruiting, enticing, harboring, transporting, providing, soliciting, or  
11 obtaining by any means or knowingly attempting to recruit, entice,  
12 harbor, transport, provide, solicit, or obtain by any means a person  
13 eighteen years of age or older for the purpose of having such person  
14 engage without consent, as defined in section 28-318, in commercial  
15 sexual activity, sexually explicit performance, or the production of  
16 pornography or  
17 to cause or attempt to cause a person eighteen years of age or older to  
18 engage without consent, as defined in section 28-318, in commercial  
19 sexual activity, sexually explicit performance, or the production of  
20 pornography;

21 (12) ~~(14)~~ Sex trafficking of a minor means knowingly  
22 recruiting, enticing, harboring, transporting, providing, soliciting, or  
23 obtaining by any means or knowingly attempting to recruit, entice,  
24 harbor, transport, provide, solicit, or obtain by any means a minor for  
25 the purpose of having such minor engage in commercial sexual activity,

26 sexually explicit performance, or the production of pornography or  
 27 to cause or attempt to cause a minor to engage in commercial sexual  
 28 activity, sexually explicit performance, or the production of  
 29 pornography;  
 30 ~~(13) (15) Sexually-explicit performance means a live or public play,~~  
 31 ~~dance, show, or other exhibition intended to arouse or gratify sexual~~  
 1 ~~desire or to appeal to prurient interests; and~~  
 2 ~~(14) (16) Trafficking victim means a person subjected to any act or~~  
 3 ~~acts prohibited by section 28-831.~~  
 4 Sec. 9. Section 28-831, Reissue Revised Statutes of Nebraska, is  
 5 amended to read:  
 6 28-831 (1) Any person who engages in labor trafficking of a minor or  
 7 sex trafficking of a minor is guilty of a Class ~~IB II~~ II felony if the actor  
 8 ~~uses overt force or the threat of force or the trafficking victim has not~~  
 9 ~~yet attained the age of sixteen years. Any person who otherwise engages~~  
 10 ~~in labor trafficking of a minor or sex trafficking of a minor is guilty~~  
 11 ~~of a Class IIA felony.~~  
 12 (2) Any person who engages in labor trafficking or sex trafficking  
 13 ~~by inflicting or threatening to inflict serious personal injury, as~~  
 14 ~~defined in section 28-318, on another person or physically restrains or~~  
 15 ~~threatens to physically restrain another person is guilty of a Class IIA~~  
 16 ~~felony. Any person who otherwise engages in labor trafficking or sex~~  
 17 ~~trafficking is guilty of a Class II III felony.~~  
 18 (3) Any person, other than a trafficking victim, who knowingly  
 19 benefits from or participates in a venture which has, as part of the  
 20 venture, an act that is in violation of this section is guilty of a Class  
 21 ~~IIA IIIA~~ IIA felony.  
 22 (4) It is not a defense in a prosecution under this section (a) that  
 23 consent was given by the minor victim, (b) that the defendant believed  
 24 that the minor victim gave consent, or (c) that the defendant believed  
 25 that the minor victim was an adult.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 127.** Introduced by Krist, 10.

WHEREAS, the Legislature established a Department of Correctional Services Special Investigative Committee in 2014 and 2015; and

WHEREAS, each of those committees issued reports with their findings of issues facing the department, Board of Parole, and Office of Parole Administration; and

WHEREAS, the department, Board of Parole, and Office of Parole Administration have begun to implement changes to resolve issues identified by the two previous special committees and through external and internal reviews; and

WHEREAS, even though some gains have been made within the department, a number of recent issues are cause for ongoing concern by the Legislature, including the loss of control of two housing units, the deaths of several inmates allegedly at the hands of other inmates, the placing of a



low-level offender with significant personal issues in a restrictive housing cell with an inmate convicted of first degree murder, the failure to collect DNA samples from all inmates, the use of double celling in restrictive housing settings, the growth of protective management units and the use of protective custody, continued high rates of staff assaults, significant understaffing in several facilities, and the continued overcrowding of the correctional system; and

WHEREAS, the Legislature believes that oversight and engagement of the department is necessary in order for the Legislature to remain a partner in reform; and

WHEREAS, it is important that the Legislature develop partnerships in oversight of the adult justice system and undertake a review of the role of state agencies and their involvement in the justice system since many issues facing the department are impacted by other parts of the justice system; and

WHEREAS, the agencies that should be reviewed include the department, Office of Parole Administration, Board of Parole, Nebraska Commission on Law Enforcement and Criminal Justice, and Office of Probation Administration.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Nebraska Justice System Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff, including the office of Public Counsel and the office of Inspector General of the Nebraska Correctional System. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as deemed necessary by the committee.

2. That the Nebraska Justice System Special Investigative Committee of the Legislature is hereby authorized to study programs and policies relating to the adult justice system implemented and followed by the Department of Correctional Services, Office of Parole Administration, Board of Parole, Nebraska Commission on Law Enforcement and Criminal Justice, and Office of Probation Administration.

3. That the Nebraska Justice System Special Investigative Committee of the Legislature shall brief the Judiciary and Appropriations Committees of the Legislature by December 15, 2017, and December 15, 2018, and issue a report with its findings and recommendations to the Legislature as circumstances warrant.

4. That the Nebraska Justice System Special Investigative Committee of the Legislature is hereby authorized to continue its work until the beginning of the One Hundred Sixth Legislature, First Session.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR127 was referred to the Reference Committee.

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

| <b>LB/LR</b> | <b>Committee</b> |
|--------------|------------------|
| LR127        | Executive Board  |

(Signed) Dan Watermeier, Chairperson  
Executive Board

#### **VISITORS**

Visitors to the Chamber were Shelby Utech from Hubbard; 30 fourth-grade students from Alcott Elementary, Hastings; 25 fourth-grade students from Tri County Elementary, DeWitt; Open World Leadership Center Delegation from Ukraine, hosted by Heartland Family Service; 12 distinguished government and military leaders from the Czech Republic; and 7 sixth-through eighth-grade students from Springdale Christian School, Scotia.

#### **RECESS**

At 11:58 a.m., on a motion by Senator Kuehn, 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 Senator Brewer who was excused; and Senators Harr, Larson, McCollister, and Wayne who were excused until they arrive.

## SELECT FILE

**LEGISLATIVE BILL 332.** Senator Stinner offered the following amendment:

AM1298

(Amendments to Standing Committee amendments, AM595)

- 1 1. Purpose: Make \$125 million of transfers in FY2017-18 and \$48
- 2 million of transfers in FY2018-19.
- 3 a. Strike the original sections and all amendments thereto and
- 4 insert the following new sections:
- 5 Section 1. Section 84-612, Revised Statutes Cumulative Supplement,
- 6 2016, is amended to read:
- 7 84-612 (1) There is hereby created within the state treasury a fund
- 8 known as the Cash Reserve Fund which shall be under the direction of the
- 9 State Treasurer. The fund shall only be used pursuant to this section.
- 10 (2) The State Treasurer shall transfer funds from the Cash Reserve
- 11 Fund to the General Fund upon certification by the Director of
- 12 Administrative Services that the current cash balance in the General Fund
- 13 is inadequate to meet current obligations. Such certification shall
- 14 include the dollar amount to be transferred. Any transfers made pursuant
- 15 to this subsection shall be reversed upon notification by the Director of
- 16 Administrative Services that sufficient funds are available.
- 17 (3) In addition to receiving transfers from other funds, the Cash
- 18 Reserve Fund shall receive federal funds received by the State of
- 19 Nebraska for undesignated general government purposes, federal revenue
- 20 sharing, or general fiscal relief of the state.
- 21 (4) The State Treasurer, at the direction of the budget
- 22 administrator of the budget division of the Department of Administrative
- 23 Services, shall transfer not to exceed forty-three million fifteen
- 24 thousand four hundred fifty-nine dollars in total from the Cash Reserve
- 25 Fund to the Nebraska Capital Construction Fund between July 1, 2013, and
- 26 June 30, ~~2018~~ 2017.
- 1 (5) The State Treasurer shall transfer the following amounts from
- 2 the Cash Reserve Fund to the Nebraska Capital Construction Fund on such
- 3 dates as directed by the budget administrator of the budget division of
- 4 the Department of Administrative Services:
- 5 (a) Seven million eight hundred four thousand two hundred ninety-two
- 6 dollars on or after June 15, 2016, but before June 30, 2016;
- 7 (b) Ten million five thousand one hundred twenty-nine ~~Seven million~~
- 8 ~~one hundred sixty thousand four hundred twelve~~ dollars on or after June
- 9 15, 2019, but before June 30, 2019; and
- 10 (c) Ten million four hundred thirty-one thousand five hundred
- 11 ~~eighty-five~~ Nine million four hundred ninety two thousand five hundred
- 12 ~~sixty-eight~~ dollars on or after June 15, 2021, but before June 30,
- 13 2021, ~~;~~ and
- 14 (d) ~~Three million seven hundred eighty three thousand seven hundred~~
- 15 ~~thirty four~~ dollars after June 15, 2023, but before June 30, 2023.
- 16 (6) The State Treasurer shall transfer seventy-five million two
- 17 hundred fifteen thousand three hundred thirteen dollars from the Cash

18 Reserve Fund to the Nebraska Capital Construction Fund on or before July  
19 31, 2017, on such date as directed by the budget administrator of the  
20 budget division of the Department of Administrative Services.

21 (7) The State Treasurer shall transfer thirty-one million dollars  
22 from the Cash Reserve Fund to the General Fund after July 1, 2017, but  
23 before July 15, 2017, on such date as directed by the budget  
24 administrator of the budget division of the Department of Administrative  
25 Services.

26 (8) The State Treasurer shall transfer thirty-one million dollars  
27 from the Cash Reserve Fund to the General Fund after October 1, 2017, but  
28 before October 15, 2017, on such date as directed by the budget  
29 administrator of the budget division of the Department of Administrative  
30 Services.

31 (9) The State Treasurer shall transfer thirty-one million dollars  
1 from the Cash Reserve Fund to the General Fund after January 1, 2018, but  
2 before January 15, 2018, on such date as directed by the budget  
3 administrator of the budget division of the Department of Administrative  
4 Services.

5 (10) The State Treasurer shall transfer thirty-two million dollars  
6 from the Cash Reserve Fund to the General Fund after April 1, 2018, but  
7 before April 15, 2018, on such date as directed by the budget  
8 administrator of the budget division of the Department of Administrative  
9 Services.

10 (11) The State Treasurer shall transfer forty-eight million dollars  
11 from the Cash Reserve Fund to the General Fund after March 1, 2019, but  
12 before March 15, 2019, on such date as directed by the budget  
13 administrator of the budget division of the Department of Administrative  
14 Services.

15 ~~(6) The State Treasurer shall transfer twenty seven million two~~  
16 ~~hundred seventy five thousand five hundred fifty eight dollars from the~~  
17 ~~Cash Reserve Fund to the Nebraska Capital Construction Fund on or before~~  
18 ~~June 30, 2016, on such date as directed by the budget administrator of~~  
19 ~~the budget division of the Department of Administrative Services.~~

20 ~~(7) The State Treasurer shall transfer thirteen million seven~~  
21 ~~hundred thousand dollars from the Cash Reserve Fund to the Critical~~  
22 ~~Infrastructure Facilities Cash Fund on or before June 30, 2016, on such~~  
23 ~~date as directed by the budget administrator of the budget division of~~  
24 ~~the Department of Administrative Services.~~

25 ~~(8) The State Treasurer shall transfer fifty million dollars from~~  
26 ~~the Cash Reserve Fund to the Transportation Infrastructure Bank Fund, on~~  
27 ~~or after July 1, 2016, but before July 15, 2016, on such date as directed~~  
28 ~~by the budget administrator of the budget division of the Department of~~  
29 ~~Administrative Services for expenditures authorized by sections 39-2803~~  
30 ~~to 39-2807.~~

31 Sec. 2. Original section 84-612, Revised Statutes Cumulative  
1 Supplement, 2016, is repealed.

2 Sec. 3. Since an emergency exists, this act takes effect when  
3 passed and approved according to law.

Senator Krist offered the following motion:

MO121

Bracket until June 2, 2017.

Senator Krist withdrew his motion to bracket.

Senator Krist offered the following amendment to the Stinner amendment:

AM1332 is available in the Bill Room.

Senator Krist withdrew his amendment.

The Stinner amendment was adopted with 29 ayes, 6 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 171.** ER84, found on page 1297, was adopted.

Advanced to Enrollment and Review for Engrossment.

**NOTICE OF COMMITTEE HEARING(S)**

Executive Board

Room 2102

Tuesday, May 16, 2017 12:00 p.m.

LR127

(Signed) Dan Watermeier, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 128.** Introduced by Baker, 30; Bolz, 29.

WHEREAS, Reynolds Davis, KØGND, has been a licensed amateur (ham) radio operator for over 55 years and recently retired from his role as Emergency Coordinator for the Lancaster County Amateur Radio Emergency Services (ARES), which he was appointed to 43 years ago; and

WHEREAS, Mr. Davis served as executive director of the 330-member Lincoln Amateur Radio Club (LARC), leading the way in emergency management, teaching, and recruiting; and

WHEREAS, Mr. Davis established Lancaster County SKYWARN, implemented a volunteer certification program, and organized ARES responses to many emergencies involving dangerous weather, including tornado storm spotting, setting up the first amateur radio station at the Lancaster County Emergency Operations Center, developing software to deploy and track volunteers, forming a storm spotter activation system using subaudible tones on the Lincoln radio repeater, and working with the

National Weather Service (NWS) to provide notice to storm spotters via the NWS weather radio system; and

WHEREAS, Mr. Davis participated in storm damage assessment, made Meals on Wheels deliveries during winter snow storms, worked emergency assistance during telephone outages, volunteered with the American Red Cross beginning in 1971, served as the chairman of the Cornhusker Chapter for the March of Dimes, volunteered as a classroom instructor for Junior Achievement, was a leader in coordinating the Southeast Nebraska Medical Reserve Corps, a ten-county organization that supports community health needs and responses to emergencies in times of crisis, and assisted at such venues as the Lied Center, Pershing Auditorium, Cornhusker State Games, and at marathons; and

WHEREAS, Mr. Davis has been named an Admiral in the Great Navy of the State of Nebraska in recognition of his accomplishments and his dedication to amateur radio.

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

1. That the Legislature honors Reynolds Davis for his service and dedication as an outstanding member of his community and the state.
2. That a copy of this resolution be sent to Reynolds Davis.

Laid over.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 20.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3508, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to homestead exemption certifications; to provide an operative date; 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, 41:

|           |          |             |                |            |
|-----------|----------|-------------|----------------|------------|
| Baker     | Ebke     | Hilkemann   | Morfeld        | Walz       |
| Blood     | Erdman   | Howard      | Murante        | Watermeier |
| Bolz      | Friesen  | Kolterman   | Pansing Brooks | Wayne      |
| Bostelman | Geist    | Krist       | Quick          | Williams   |
| Brasch    | Groene   | Larson      | Riepe          | Wishart    |
| Briese    | Halloran | Lindstrom   | Scheer         |            |
| Chambers  | Hansen   | Linehan     | Smith          |            |
| Clements  | Harr     | McCollister | Stinner        |            |
| Crawford  | Hilgers  | McDonnell   | Vargas         |            |

Voting in the negative, 0.

Present and not voting, 7:

|           |          |       |            |
|-----------|----------|-------|------------|
| Albrecht  | Hughes   | Kuehn | Schumacher |
| Craighead | Kolowski | Lowe  |            |

Excused and not voting, 1:

Brewer

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

### **LEGISLATIVE BILL 63.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.10, Revised Statutes Cumulative Supplement, 2016; to change a sales and use tax exemption relating to political events; to provide an operative date; 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, 44:

|           |          |           |                |            |
|-----------|----------|-----------|----------------|------------|
| Albrecht  | Crawford | Hilkemann | McCollister    | Smith      |
| Baker     | Ebke     | Howard    | McDonnell      | Stinner    |
| Blood     | Erdman   | Kolowski  | Morfeld        | Vargas     |
| Bolz      | Friesen  | Kolterman | Murante        | Walz       |
| Bostelman | Geist    | Krist     | Pansing Brooks | Watermeier |
| Brasch    | Groene   | Kuehn     | Quick          | Wayne      |
| Chambers  | Halloran | Larson    | Riepe          | Williams   |
| Clements  | Hansen   | Lindstrom | Scheer         | Wishart    |
| Craighead | Harr     | Linehan   | Schumacher     |            |

Voting in the negative, 0.

Present and not voting, 4:

|        |         |        |      |
|--------|---------|--------|------|
| Briese | Hilgers | Hughes | Lowe |
|--------|---------|--------|------|

Excused and not voting, 1:

Brewer

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

**LEGISLATIVE BILL 138.** With Emergency Clause.

A BILL FOR AN ACT relating to uniform transfer-on-death security registration; to amend section 30-2734, Reissue Revised Statutes of Nebraska; to define a term; to provide for transfer of business interests; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 142.** With Emergency Clause.

A BILL FOR AN ACT relating to farm product security interests; to amend sections 52-1307 and 52-1603, Revised Statutes Cumulative Supplement, 2016; to redefine effective financing statement; to change provisions relating to the master lien list; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 48:



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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **LEGISLATIVE BILL 154.**

A BILL FOR AN ACT relating to the Safety of Dams and Reservoirs Act; to amend section 46-1657, Reissue Revised Statutes of Nebraska; to provide for the filing of a completion certificate without a filing fee; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

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

**LEGISLATIVE BILL 159.** With Emergency Clause.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-537, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to when special assessments are payable; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

|           |           |           |                |            |
|-----------|-----------|-----------|----------------|------------|
| Albrecht  | Crawford  | Howard    | McCollister    | Stinner    |
| Baker     | Ebke      | Hughes    | McDonnell      | Vargas     |
| Blood     | Erdman    | Kolowski  | Morfeld        | Walz       |
| Bolz      | Friesen   | Kolterman | Murante        | Watermeier |
| Bostelman | Geist     | Krist     | Pansing Brooks | Wayne      |
| Brasch    | Halloran  | Kuehn     | Quick          | Williams   |
| Briese    | Hansen    | Larson    | Riepe          | Wishart    |
| Chambers  | Harr      | Lindstrom | Scheer         |            |
| Clements  | Hilgers   | Linehan   | Schumacher     |            |
| Craighead | Hilkemann | Lowe      | Smith          |            |

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 176.**

A BILL FOR AN ACT relating to milldams; to repeal provisions relating to milldams; and to outright repeal sections 56-101, 56-115, 56-124, 56-125, 56-126, and 56-127, Reissue Revised Statutes of Nebraska.

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, 47:

|           |          |           |                |            |
|-----------|----------|-----------|----------------|------------|
| Albrecht  | Crawford | Hilkemann | Lowe           | Stinner    |
| Baker     | Ebke     | Howard    | McCollister    | Vargas     |
| Blood     | Erdman   | Hughes    | McDonnell      | Walz       |
| Bolz      | Friesen  | Kolowski  | Morfeld        | Watermeier |
| Bostelman | Geist    | Kolterman | Murante        | Wayne      |
| Brasch    | Groene   | Krist     | Pansing Brooks | Williams   |
| Briese    | Halloran | Kuehn     | Quick          | Wishart    |
| Chambers  | Hansen   | Larson    | Riepe          |            |
| Clements  | Harr     | Lindstrom | Schumacher     |            |
| Craighead | Hilgers  | Linehan   | Smith          |            |

Voting in the negative, 0.

Present and not voting, 1:

Scheer

Excused and not voting, 1:

Brewer

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

#### **LEGISLATIVE BILL 231.**

A BILL FOR AN ACT relating to the Insurance Producers Licensing Act; to amend section 44-4059, Reissue Revised Statutes of Nebraska; to authorize disciplinary action for failing to maintain a license in good standing 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

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

**LEGISLATIVE BILL 234.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Cumulative Supplement, 2016; to update references to the Internal Revenue Code; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

|           |          |           |                |            |
|-----------|----------|-----------|----------------|------------|
| Albrecht  | Crawford | Hilkemann | McCollister    | Stinner    |
| Baker     | Ebke     | Howard    | McDonnell      | Vargas     |
| Blood     | Erdman   | Hughes    | Morfeld        | Walz       |
| Bolz      | Friesen  | Kolowski  | Murante        | Watermeier |
| Bostelman | Geist    | Krist     | Pansing Brooks | Wayne      |
| Brasch    | Groene   | Kuehn     | Quick          | Williams   |
| Briese    | Halloran | Larson    | Riepe          | Wishart    |
| Chambers  | Hansen   | Lindstrom | Scheer         |            |
| Clements  | Harr     | Linehan   | Schumacher     |            |
| Craighead | Hilgers  | Lowe      | Smith          |            |

Voting in the negative, 0.

Present and not voting, 1:

Kolterman

Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 239.**

A BILL FOR AN ACT relating to the Burial Pre-Need Sale Act; to amend sections 12-1113 and 12-1114, Reissue Revised Statutes of Nebraska; to change provisions relating to trust funds; and to repeal the original sections.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

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

**LEGISLATIVE BILL 241.**

A BILL FOR AN ACT relating to the Privacy of Insurance Consumer Information Act; to amend section 44-905, Reissue Revised Statutes of Nebraska; to provide an exception to the requirement to send annual privacy notices; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

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

**LEGISLATIVE BILL 255.** With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-101, 38-121, and 38-186, Reissue Revised Statutes of Nebraska, and section 71-448, Revised Statutes Cumulative Supplement, 2016; to adopt the Dialysis Patient Care Technician Registration Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 255A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 255, One Hundred Fifth Legislature, First Session, 2017; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 264.**

A BILL FOR AN ACT relating to the Boiler Inspection Act; to amend section 48-721, Reissue Revised Statutes of Nebraska; to change provisions relating to qualifications of boiler inspectors; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

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

### **LEGISLATIVE BILL 306.**

A BILL FOR AN ACT relating to the Portable Electronics Insurance Act; to amend sections 44-8502 and 44-8508, Revised Statutes Cumulative Supplement, 2016; to redefine a term; to change provisions relating to notice requirements; and to repeal the original sections.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer



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

**MOTION(S) - Return LB315 to Select File**

Senator Wayne moved to return LB315 to Select File for the following specific amendment:

FA73

Strike the enacting clause.

Senator Wayne withdrew his motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 315.**

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-503, Reissue Revised Statutes of Nebraska; to change provisions relating to the sale or conveyance of real property; to eliminate exceptions for sale by public auction or sealed bid; to eliminate a provision providing for establishment of a minimum price for bidding; 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, 46:

|           |          |           |                |          |
|-----------|----------|-----------|----------------|----------|
| Albrecht  | Crawford | Hilkemann | McCollister    | Stinner  |
| Baker     | Ebke     | Howard    | McDonnell      | Vargas   |
| Blood     | Erdman   | Hughes    | Morfeld        | Walz     |
| Bolz      | Friesen  | Kolterman | Murante        | Wayne    |
| Bostelman | Geist    | Krist     | Pansing Brooks | Williams |
| Brasch    | Groene   | Kuehn     | Quick          | Wishart  |
| Briese    | Halloran | Larson    | Riepe          |          |
| Chambers  | Hansen   | Lindstrom | Scheer         |          |
| Clements  | Harr     | Linehan   | Schumacher     |          |
| Craighead | Hilgers  | Lowe      | Smith          |          |

Voting in the negative, 0.

Present and not voting, 2:

Kolowski      Watermeier

Excused and not voting, 1:

Brewer

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

**MOTION(S) - Return LB383 to Select File**

Senator Chambers moved to return LB383 to Select File for the following specific amendment:

FA74

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 383.**

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-2102.01, 18-2715, and 19-926, Reissue Revised Statutes of Nebraska; to change membership provisions for certain community redevelopment authorities, citizen advisory review committees, and planning commissions; and to repeal the original sections.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

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

**LEGISLATIVE BILL 430.**

A BILL FOR AN ACT relating to the Radiation Control Act; to amend section 71-3505, Reissue Revised Statutes of Nebraska; to change powers and duties of the Department of Health and Human Services relative to radiation 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, 47:

|           |           |           |                |            |
|-----------|-----------|-----------|----------------|------------|
| Albrecht  | Ebke      | Howard    | McCollister    | Stinner    |
| Baker     | Erdman    | Hughes    | McDonnell      | Vargas     |
| Blood     | Friesen   | Kolowski  | Morfeld        | Walz       |
| Bolz      | Geist     | Kolterman | Murante        | Watermeier |
| Brasch    | Groene    | Krist     | Pansing Brooks | Wayne      |
| Briese    | Halloran  | Kuehn     | Quick          | Williams   |
| Chambers  | Hansen    | Larson    | Riepe          | Wishart    |
| Clements  | Harr      | Lindstrom | Scheer         |            |
| Craighead | Hilgers   | Linehan   | Schumacher     |            |
| Crawford  | Hilkemann | Lowe      | Smith          |            |

Voting in the negative, 0.

Present and not voting, 1:

Bostelman

Excused and not voting, 1:

Brewer

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

**LEGISLATIVE BILL 455.**

A BILL FOR AN ACT relating to the State Electrical Board; to amend section 81-2104, Reissue Revised Statutes of Nebraska; to change references to a governing code; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Brewer

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

**LEGISLATIVE BILL 464.** With Emergency Clause.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-907.06, Revised Statutes Cumulative Supplement, 2016; to provide notice to the Secretary of State of adoption, amendment, or repeal of a rule or regulation; to provide a duty for the Secretary of State; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Brewer          Larson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION(S) - Return LB519 to Select File**

Senator Hansen moved to return LB519 to Select File for the following specific amendment:

AM1320

(Amendments to Final Reading copy)

1 1. On page 6, lines 3 through 8, strike the new matter and reinstate  
2 the stricken matter.

The Hansen motion to return prevailed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 519.** The Hansen specific amendment, AM1320, found in this day's Journal, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 558.**

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1201, Reissue Revised Statutes of Nebraska; to define the term knife; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Morfeld

Excused and not voting, 2:

Brewer          Larson

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

#### **LEGISLATIVE BILL 645.**

A BILL FOR AN ACT relating to special education; to amend section 79-1118.01, Reissue Revised Statutes of Nebraska; to define a term; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 2:

Brewer          Larson

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

**LEGISLATIVE BILL 409.** With Emergency Clause.

A BILL FOR AN ACT relating to school finance; to amend section 79-1015.01, Reissue Revised Statutes of Nebraska, and sections 77-3446, 79-1009, and 79-10,145, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the Tax Equity and Educational Opportunities Support Act; to change the base limitation; to change net option funding; to change the local effort rate; to eliminate obsolete provisions; to change the learning community transition aid calculation; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 3:

McCollister    Stinner          Wayne

Excused and not voting, 2:

Brewer          Larson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 20, 63, 138, 142, 154, 159, 176, 231, 234, 239, 241, 255, 255A, 264, 306, 315, 383, 430, 455, 464, 558, 645, and 409.

**SELECT FILE**

**LEGISLATIVE BILL 44.** Senator Chambers renewed his amendment, FA64, found on page 1073, to the Watermeier amendment, AM1074.

**SPEAKER SCHEER PRESIDING**

Pending.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 4, 2017, at 4:58 p.m. were the following: LBs 20, 63, 138e, 142e, 154, 159e, 176, 231, 234e, 239, 241, 255e, 255Ae, 264, 306, 315, 383, 430, 455, 464e, 558, 645, and 409e.

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

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 578A.** Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 578, One Hundred Fifth Legislature, First Session, 2017.

**VISITORS**

Visitors to the Chamber were 30 third- and fourth-grade students from Exeter-Milligan Elementary; 28 fourth-grade students from Stanton Elementary; 8 fourth-grade students from St. Mary's School, O'Neill; and 40 fourth- and fifth-grade students from Randolph Elementary.

**RECESS**

At 5:25 p.m., on a motion by Senator Baker, the Legislature recessed until 6:15 p.m.



**AFTER RECESS**

The Legislature reconvened at 6:15 p.m., Speaker Scheer presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Brewer who was excused; and Senators Baker, Bolz, Crawford, Hilkemann, Kolowski, Kolterman, Larson, Lindstrom, McCollister, McDonnell, Morfeld, Murante, Pansing Brooks, Stinner, Vargas, Walz, Wayne, and Williams who were excused until they arrive.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 149.** Placed on Final Reading.

ST29

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

1. In the E & R amendments, ER82, on page 1, line 5, "and 202" has been struck and ", 51, 136, 202, and 245" inserted; and in line 6 "and 92" has been struck and ", 35, 68, 92, and 114" inserted.

2. In the Standing Committee amendments, AM962, on page 19, line 13, "and 202" has been struck and ", 51, 136, 202, and 245" inserted; and in line 14 "and 92" has been struck and ", 35, 68, 92, and 114" inserted.

**LEGISLATIVE BILL 171.** Placed on Final Reading.

**LEGISLATIVE BILL 327.** Placed on Final Reading.

ST30

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

1. In the Stinner amendment, AM1279:

a. On page 2, line 28, "and insert a semicolon;" has been inserted after "period" and in line 29 the matter beginning with the first "and" through the last semicolon has been struck; and in line 31 "(ll)" has been struck and "(kk)" inserted; and

b. On page 3, line 3, the first period has been struck and a semicolon inserted.

2. In the Stinner amendment, AM1193, on page 4, the matter beginning with "in" in line 13 through line 14 has been struck and "after line 25 insert the following new subdivisions:" inserted; in line 15, "(kk)" has been struck and "(ll)" inserted; in line 19 "(ll)" has been struck and "(mm)" inserted; and in line 22 a period has been inserted after "Services".

3. In the Standing Committee amendments, AM590:

a. On page 38, line 28 and all amendments thereto has been struck and "GENERAL FUND 138,057,488 140,803,143" inserted;

b. On page 46, line 31, "Services" has been inserted after "Medicaid";

c. On page 135, line 5, the first occurrence of "Nebraska" has been struck and "State" inserted; and

d. On page 140, line 10, the period has been struck and a semicolon inserted.

**LEGISLATIVE BILL 328.** Placed on Final Reading.

**LEGISLATIVE BILL 329.** Placed on Final Reading.

**LEGISLATIVE BILL 330.** Placed on Final Reading.

ST28

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

1. In the Standing Committee amendments, AM593, on page 21, line 3, "Nos." has been struck and "No." inserted; and in line 8 "(3)" has been struck and "(4)" inserted.

**LEGISLATIVE BILL 331.** Placed on Final Reading.

ST31

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

1. In the Stinner amendment, AM1278, sections 39 and 41 have been renumbered as sections 41 and 43.

2. In the E & R Amendments, ER85:

a. On page 63, line 31, "68-940.01," has been inserted after "60-3,218," and "81-125.01," has been inserted after "71-7450,"; and

b. On page 64, line 3, "66-204," has been inserted after "61-218," and "77-2715.01," has been inserted after the last comma; and in line 8 "to change the reserve requirement;" has been inserted after the semicolon.

**LEGISLATIVE BILL 332.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

#### **SELECT FILE**

**LEGISLATIVE BILL 44.** The Chambers amendment, FA64, found on page 1073 and considered in this day's Journal, to the Watermeier amendment, AM1074, was renewed.

#### **SENATOR LINDSTROM PRESIDING**

Pending.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 129.** Introduced by Kolowski, 31; Pansing Brooks, 28.

**PURPOSE:** Current education standards in Nebraska generally mandate that students analyze events in world history; however, there is no requirement for students to learn about any particular events, including genocides and, specifically, the Holocaust. The Holocaust represents one of the most horrific periods of human history, and it is imperative that students learn about it and other genocides and the conditions under which such events occur.

The purpose of this study is to examine the current level of education regarding genocides in primary and secondary education and to explore examples and best practices for incorporating the study of the Holocaust and other genocides into the curriculum.

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

1. That the Education 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.

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

Senator Harr filed the following amendment to LB512:  
AM1346 is available in the Bill Room.

**VISITORS**

Visitor to the Chamber was Michelle Grove.

**ADJOURNMENT**

At 7:41 p.m., on a motion by Senator Schumacher, the Legislature adjourned until 9:00 a.m., Friday, May 5, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

