

**EIGHTY-THIRD DAY - MAY 16, 2017**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**FIRST SESSION**

**EIGHTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
 Tuesday, May 16, 2017

**PRAYER**

The prayer was offered by Senator Kolterman.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 1:30 p.m., President Foley presiding.

The roll was called and all members were present except Senator Lindstrom who was excused; and Senators Bolz, Hughes, Kuehn, Morfeld, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-second day was approved.

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

**LEGISLATIVE BILL 333.** Placed on Select File with amendment.  
 ER90

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 71-1107, Revised Statutes Cumulative Supplement,
- 4 2016, is amended to read:
- 5 71-1107 Developmental disability means a severe, chronic disability,
- 6 including an intellectual disability, other than mental illness, which:
- 7 an intellectual disability or a severe chronic cognitive impairment,
- 8 other than mental illness, that is manifested before the age of twenty-
- 9 two years and is likely to continue indefinitely.
- 10 (1) Is attributable to a mental or physical impairment unless the
- 11 impairment is solely attributable to a severe emotional disturbance or
- 12 persistent mental illness;
- 13 (2) Is manifested before the age of twenty-two years;
- 14 (3) Is likely to continue indefinitely;
- 15 (4) Results in substantial functional limitations in one of each of

16 the following areas of adaptive functioning:

17 (a) Conceptual skills, including language, literacy, money, time,  
18 number concepts, and self-direction;

19 (b) Social skills, including interpersonal skills, social  
20 responsibility, self-esteem, gullibility, wariness, social problem  
21 solving, and the ability to follow laws and rules and to avoid being  
22 victimized; and

23 (c) Practical skills, including activities of daily living, personal  
24 care, occupational skills, health care, mobility, and the capacity for  
25 independent living; and

26 (5) Reflects the individual's need for a combination and sequence of  
27 special, interdisciplinary, or generic services, individualized support,  
1 or other forms of assistance that are of lifelong or extended duration  
2 and are individually planned and coordinated.

3 An individual from birth through the age of nine years who has a  
4 substantial developmental delay or specific congenital or acquired  
5 condition may be considered to have a developmental disability without  
6 manifesting substantial functional limitations in three or more of the  
7 areas of adaptive functioning described in subdivision (4) of this  
8 section if the individual, without services and support, has a high  
9 probability of manifesting such limitations in such areas later in life.

10 Sec. 2. Section 71-1108.01, Revised Statutes Cumulative Supplement,  
11 2016, is amended to read:

12 71-1108.01 Intellectual disability means ~~a state of~~ significantly  
13 subaverage general intellectual functioning which is associated with  
14 significant impairments in adaptive functioning manifested before the age  
15 of twenty-two years. Significant subaverage general intellectual  
16 functioning shall refer to a score of seventy or below on a properly  
17 administered and valid intelligence quotient test.

18 Sec. 3. Section 83-1201, Revised Statutes Cumulative Supplement,  
19 2016, is amended to read:

20 83-1201 Sections 83-1201 to 83-1227 and section 8 of this act shall  
21 be known and may be cited as the Developmental Disabilities Services Act.

22 Sec. 4. Section 83-1202, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 83-1202 It is the intent of the Legislature that:

25 (1) All persons with developmental disabilities shall receive  
26 services and assistance which present opportunities to increase their  
27 independence, productivity, and integration into the community;

28 (2) All persons with developmental disabilities shall have access to  
29 a full array of services appropriate for them as individuals;

30 (3) All persons with developmental disabilities shall have a right,  
31 ~~to the maximum extent possible,~~ to live, work, and recreate with people  
1 who are not disabled;

2 (4) All persons with developmental disabilities shall, ~~to the~~  
3 ~~maximum extent possible,~~ be served in their communities and should only  
4 be served by specialized programs when their needs cannot be met through  
5 general services available to all persons, including those without  
6 disabilities;

7 (5) All persons with developmental disabilities shall have the right  
8 to receive age-appropriate services consistent with their individual  
9 needs, potentials, and abilities;

10 (6) All persons with developmental disabilities shall be afforded  
11 the same rights, dignity, and respect as members of society who are not  
12 disabled; and

13 (7) Persons who deliver services to persons with developmental  
14 disabilities shall be assured a uniform system of compensation and  
15 training and a full range of work-site enhancements which attract and  
16 retain qualified employees. ;

17 ~~(8) The first priority of the state in responding to the needs of  
18 persons with developmental disabilities should be to ensure that all such  
19 persons have sufficient food, housing, clothing, medical care, protection  
20 from abuse or neglect, and protection from harm; and~~

21 ~~(9) The second priority of the state in responding to the needs of  
22 persons with developmental disabilities should be to ensure that all such  
23 persons receive appropriate assessment of their needs, planning to meet  
24 their needs, information about services available to meet their needs,  
25 referral to services matched to their needs, coordination of services  
26 delivered, support sufficient to allow them to live with their natural  
27 families or independently, transportation to facilitate access to  
28 services, and meaningful habilitation, education, training, employment,  
29 and recreation designed to enhance their skills, increase their  
30 independence, and improve their quality of life.~~

31 Sec. 5. Section 83-1209, Reissue Revised Statutes of Nebraska, is  
1 amended to read:

2 83-1209 To carry out the policies and purposes of the Developmental  
3 Disabilities Services Act, the director shall:

4 (1) Ensure effective management by (a) determining whether  
5 applicants are eligible for specialized services, (b) authorizing service  
6 delivery for eligible persons, (c) ensuring that services are available,  
7 accessible, and coordinated, (d) ensuring that eligible persons have  
8 their needs assessed by a team process, have individual program plans  
9 developed by a team process to address assessed needs, which plans  
10 incorporate the input of the individual and the family, and have services  
11 delivered in accordance with the program plan, (e) having the amount of  
12 funding for specialized services determined by an objective assessment  
13 process, (f) providing information and referral services to persons with  
14 developmental disabilities and their families, (g) promoting the  
15 development of pilot projects of high quality, cost-efficient services  
16 provided by specialized programs, and (h) administering the Beatrice  
17 State Developmental Center;

18 (2) Ensure a coordinated statewide response by (a) developing a  
19 comprehensive and integrated statewide plan for specialized services to  
20 persons with developmental disabilities in conjunction with state and  
21 local officials, designated advocates for such persons, service  
22 providers, and the general public, (b) reporting biennially to the  
23 Legislature, the Governor, service providers, and the public on persons  
24 served and progress made toward meeting requirements of the plan, and (c)

25 creating a statewide registry of persons eligible for specialized  
 26 services. The report submitted to the Legislature shall be submitted  
 27 electronically;

28 (3) Ensure specialized services which are efficient and  
 29 individualized by (a) developing a written policy which ensures the  
 30 adequate and equitable distribution of fiscal resources based upon a  
 31 consistent rationale for reimbursement that allows funding to follow  
 1 service recipients as their service needs change and which also includes  
 2 a plan for funding shortfalls and (b) administering all state and federal  
 3 funds as may be allowed by law;

4 (4) Ensure maximum quality of services by (a) developing a due  
 5 process mechanism for resolution of disputes, (b) coordinating the  
 6 development and implementation of a quality management and improvement  
 7 plan as described in section 8 of this act ~~review teams designed to~~  
 8 ~~enhance the quality of specialized services~~, (c) developing certification  
 9 and accreditation requirements for service providers, (d) providing  
 10 technical assistance to local service providers, and (e) providing  
 11 eligible persons, their families, and the designated protection and  
 12 advocacy system authorized pursuant to the Developmental Disabilities  
 13 Assistance and Bill of Rights Act of 2000, 42 U.S.C. 15001 et seq., with  
 14 copies of all reports resulting from surveys of providers of specialized  
 15 services conducted as part of the certification and accreditation  
 16 process; and

17 (5) Establish and staff a developmental disabilities division which  
 18 shall assist in carrying out the policies and purposes of the  
 19 Developmental Disabilities Services Act.

20 Sec. 6. Section 83-1212.01, Reissue Revised Statutes of Nebraska, is  
 21 amended to read:

22 83-1212.01 (1) There is hereby created the Advisory Committee on  
 23 Developmental Disabilities. The advisory committee shall consist of a  
 24 representative of a statewide advocacy organization for persons with  
 25 developmental disabilities and their families, a representative of  
 26 Nebraska's designated protection and advocacy organization, a  
 27 representative of the Nebraska Planning Council on Developmental  
 28 Disabilities, a representative of the University Center for Excellence in  
 29 Developmental Disability Education, Research and Service as defined in  
 30 section 68-1114, and not more than fifteen additional members. ~~At , at~~  
 31 ~~least fifty-one percent of the members one-third of whom shall be persons~~  
 1 ~~with developmental disabilities and family members , at least one-third~~  
 2 ~~of whom shall be families of persons with developmental disabilities, and~~  
 3 ~~no more than one-third of whom shall be elected officials or interested~~  
 4 ~~community persons.~~

5 (2) The members shall be appointed by the Governor for staggered  
 6 terms of three years. Any vacancy shall be filled by the Governor for the  
 7 remainder of the term. One of the members shall be designated as  
 8 chairperson by the Governor. Members shall be reimbursed for their actual  
 9 and necessary expenses as provided in sections 81-1174 to 81-1177.

10 (3) The advisory committee shall advise the department regarding all  
 11 aspects of the funding and delivery of services to persons with

12 developmental disabilities.

13 (4) The advisory committee shall (a) provide sufficient oversight to  
14 ensure that persons placed in the custody of the department under the  
15 Developmental Disabilities Court-Ordered Custody Act are receiving the  
16 least restrictive treatment and services necessary and (b) oversee the  
17 design and implementation of the quality management and improvement plan  
18 described in section 8 of this act.

19 (5) The department shall inform the advisory committee of proposed  
20 systemic changes to services for persons with developmental disabilities  
21 at least thirty days prior to implementation of the changes so that the  
22 advisory committee may provide for a response to the proposed changes. If  
23 the director determines that circumstances require implementation of the  
24 changes prior to such notice, the department shall inform the advisory  
25 committee as soon as possible. The advisory committee, in partnership  
26 with the director, shall establish criteria for the process of providing  
27 the information and receiving the response.

28 Sec. 7. Section 83-1216, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 83-1216 (1) The department shall administer the medicaid home and  
31 community-based services waivers upon application approval by the federal  
1 Centers for Medicare and Medicaid Services. Beginning July 1, 2019 ~~1995~~,  
2 persons determined to be eligible for specialized services who ~~on or~~  
3 after ~~September 6, 1993~~, graduate from high school, reach the age of  
4 twenty-one years, or are currently receiving services shall receive  
5 services in accordance with the Developmental Disabilities Services Act.  
6 The amount of funding for any person receiving services shall be  
7 determined using an objective assessment process developed by the  
8 department and approved by the federal Centers for Medicare and Medicaid  
9 Services ~~plan in subsection (3) of this section.~~

10 (2) The department shall provide directly or by contract service  
11 coordination to Nebraska residents found to be eligible for specialized  
12 services.

13 (3) ~~It is the intent of the Legislature that by July 1, 2010, all~~  
14 ~~persons determined to be eligible for services shall receive services in~~  
15 ~~accordance with the act.~~

16 (3) (4) It is the intent of the Legislature that the department take  
17 all possible steps to maximize federal funding in order to implement  
18 subsections (1) and (2) of this section prior to the date these  
19 subsections become entitlements. All Nebraska residents eligible for  
20 funding for specialized services through the department under the  
21 Developmental Disabilities Services Act shall apply for and accept any  
22 federal medicaid benefits for which they may be eligible and benefits  
23 from other funding sources within the department, the State Department of  
24 Education, specifically including the Division of Rehabilitation  
25 Services, and other agencies to the maximum extent possible.

26 (4) The priorities for funding under this section are as follows:

27 (a) The first funding priority of the state shall be responding to  
28 the needs of persons with developmental disabilities in immediate crisis  
29 due to caregiver death, homelessness, or a threat to the life and safety

30 of the person;

31 (b) The second funding priority of the state in responding to the  
1 needs of persons with developmental disabilities shall be for persons  
2 that have resided in an institutional setting for a period of at least  
3 twelve consecutive months and who are requesting community-based  
4 services;

5 (c) The third funding priority of the state in responding to the  
6 needs of persons with developmental disabilities shall be for serving  
7 wards of the department or persons placed under the supervision of the  
8 Office of Probation Administration by the Nebraska court system who are  
9 transitioning upon age nineteen with no other alternatives as determined  
10 by the department to support residential services necessary to pursue  
11 economic self-sufficiency;

12 (d) The fourth funding priority of the state in responding to the  
13 needs of persons with developmental disabilities shall be for serving  
14 persons transitioning from the education system upon attaining twenty-one  
15 years of age to maintain skills and receive the day services necessary to  
16 pursue economic self-sufficiency; and

17 (e) The fifth funding priority of the state in responding to the  
18 needs of persons with developmental disabilities shall be for serving all  
19 other persons by date of application.

20 Sec. 8. (1)(a) The department shall, with the assistance and  
21 support of the Advisory Committee on Developmental Disabilities, develop  
22 and implement a quality management and improvement plan to promote and  
23 monitor quality relating to services and quality of life for persons with  
24 developmental disabilities.

25 (b) The purpose of the quality management and improvement plan is to  
26 provide information necessary for an accurate assessment of the quality  
27 and effectiveness of services for persons with developmental disabilities  
28 and their families and the delivery of such services, with special  
29 attention to the impact that the services have on the quality of life of  
30 recipients and their families.

31 (c) The quality management and improvement plan shall reflect  
1 national best practice for services for persons with developmental  
2 disabilities and their families as determined by the department with the  
3 assistance of the advisory committee.

4 (d) The quality management and improvement plan shall assess,  
5 through both quantitative and qualitative means, (i) the quality of  
6 services provided to persons with developmental disabilities and their  
7 families, (ii) the ability of the services provided to meet the needs of  
8 the recipients of the services, (iii) the effect of the services to  
9 support or improve the quality of life of the recipients of the services,  
10 and (iv) the satisfaction of the recipients with the process of  
11 determination of eligibility and the process of delivery of the services.  
12 In order to develop the quality management and improvement plan, the  
13 department shall use procedures to collect data from recipients of  
14 services for persons with disabilities and their families by relying on  
15 external, independent evaluators who are not employed by the department.  
16 The quality management and improvement plan shall give significance to

17 input gathered from recipients of services for persons with developmental  
18 disabilities and families of such recipients and include information  
19 gathered from the department.

20 (e) The quality management and improvement plan shall include  
21 recommendations for improvements to the types of services and the  
22 delivery of services for persons with developmental disabilities and  
23 their families.

24 (2) The department shall provide a quality management plan  
25 electronically to the Legislature no later than September 30, 2017. In  
26 the plan the department shall detail its approach to ensuring a  
27 sustainable, continuous, quality improvement management system for the  
28 delivery of services for persons with developmental disabilities and  
29 their families that incorporates responsibilities of the department and  
30 recipients.

31 (3) The department shall issue an implementation report regarding  
1 the quality management and improvement plan and publish it on the web  
2 site of the department and provide it electronically to the Legislature  
3 on or before December 30, 2017, and March 30, 2018. Beginning in 2018,  
4 the department shall annually provide a report regarding outcomes,  
5 improvement priorities, and activities of the department during the  
6 previous fiscal year. The report shall be published on the web site of  
7 the department and shall be provided electronically to the Legislature on  
8 or before September 30.

9 Sec. 9. Sections 5, 10, and 13 of this act become operative on  
10 October 1, 2017. Sections 6 and 11 of this act become operative three  
11 calendar months after the adjournment of this legislative session. The  
12 other sections of this act become operative on their effective date.

13 Sec. 10. Original section 83-1209, Reissue Revised Statutes of  
14 Nebraska, is repealed.

15 Sec. 11. Original section 83-1212.01, Reissue Revised Statutes of  
16 Nebraska, is repealed.

17 Sec. 12. Original sections 83-1202 and 83-1216, Reissue Revised  
18 Statutes of Nebraska, and sections 71-1107, 71-1108.01, and 83-1201,  
19 Revised Statutes Cumulative Supplement, 2016, are repealed.

20 Sec. 13. The following section is outright repealed: Section  
21 83-1213, Reissue Revised Statutes of Nebraska.

22 Sec. 14. The following section is outright repealed: Section  
23 71-1113, Reissue Revised Statutes of Nebraska.

24 Sec. 15. Since an emergency exists, this act takes effect when  
25 passed and approved according to law.

26 2. On page 1, strike beginning with "assistance" in line 1 through  
27 line 4 and insert "health and welfare; to amend sections 83-1202,  
28 83-1209, 83-1212.01, and 83-1216, Reissue Revised Statutes of Nebraska,  
29 and sections 71-1107, 71-1108.01, and 83-1201, Revised Statutes  
30 Cumulative Supplement, 2016; to provide, change, and eliminate  
31 definitions for the Developmental Disabilities Court-Ordered Custody Act;  
1 to restate legislative intent; to change powers and duties of the  
2 Director of Developmental Disabilities of the Division of Developmental  
3 Disabilities, of such division, and the Advisory Committee on

4 Developmental Disabilities; to change the membership of the advisory  
5 committee; to change provisions relating to eligibility for services and  
6 funding for services under the Developmental Disabilities Services Act;  
7 to provide for a quality management and improvement plan; to eliminate  
8 quality review teams; to harmonize provisions; to provide operative  
9 dates; to repeal the original sections; to outright repeal sections  
10 71-1113 and 83-1213, Reissue Revised Statutes of Nebraska; and to declare  
11 an emergency."

**LEGISLATIVE BILL 333A.** Placed on Select File.

**LEGISLATIVE BILL 496.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

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

Enrollment and Review

**LEGISLATIVE BILL 72.** Placed on Final Reading.

ST35

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

1. On page 1, the matter beginning with "the" in line 1 through line 7 has been struck and "political subdivisions; to amend section 13-402, Reissue Revised Statutes of Nebraska; to change provisions relating to cities and villages filing for bankruptcy; to harmonize provisions; and to repeal the original section." inserted.

**LEGISLATIVE BILL 415.** Placed on Final Reading.

ST34

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

1. In the E&R amendments, ER88:  
a. On page 105, lines 18 and 22, "38" has been struck and "39" inserted; and  
b. On page 148, line 2, the first comma has been struck and "and" inserted; and the matter beginning with the second comma in line 2 through "prescribed" in line 4 has been struck.

**LEGISLATIVE BILL 644.** Placed on Final Reading.

ST36

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

1. In the E&R amendments, ER86, on page 25, line 10, "68-908," has been struck.

(Signed) Anna Wishart, Chairperson



**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 26 and 27.

**MOTION(S) - Confirmation Report(s)**

Senator Brasch moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 1450:

Nebraska State Fair Board  
Beth Smith

Voting in the affirmative, 36:

Albrecht	Clements	Harr	Linehan	Smith
Baker	Craighead	Hilgers	Lowe	Stinner
Blood	Ebke	Hilkemann	McDonnell	Walz
Bostelman	Erdman	Howard	Murante	Wishart
Brasch	Friesen	Kolowski	Pansing Brooks	
Brewer	Geist	Kolterman	Riepe	
Briese	Groene	Krist	Scheer	
Chambers	Halloran	Larson	Schumacher	

Voting in the negative, 0.

Present and not voting, 7:

Crawford	McCollister	Vargas	Williams
Hansen	Quick	Wayne	

Excused and not voting, 6:

Bolz	Kuehn	Morfeld
Hughes	Lindstrom	Watermeier

The appointment was confirmed with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1477:

State Board of Health  
Brian Brightman

Voting in the affirmative, 35:

Albrecht	Briese	Groene	Krist	Riepe
Baker	Clements	Halloran	Kuehn	Scheer
Blood	Craighead	Harr	Linehan	Schumacher
Bolz	Ebke	Hilgers	Lowe	Smith
Bostelman	Erdman	Hilkemann	McDonnell	Stinner
Brasch	Friesen	Howard	Murante	Walz
Brewer	Geist	Kolowski	Pansing Brooks	Williams

Voting in the negative, 0.

Present and not voting, 10:

Chambers	Hansen	Larson	Quick	Wayne
Crawford	Kolterman	McCollister	Vargas	Wishart

Excused and not voting, 4:

Hughes	Lindstrom	Morfeld	Watermeier
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The appointment was confirmed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1477:

Commission for the Deaf and Hard of Hearing  
 Candice Arteaga  
 Marc A. Brennan  
 Frank R. Turk

Voting in the affirmative, 35:

Albrecht	Chambers	Halloran	Linehan	Riepe
Baker	Clements	Harr	Lowe	Schumacher
Blood	Craighead	Hilkemann	McCollister	Smith
Bostelman	Ebke	Howard	McDonnell	Stinner
Brasch	Erdman	Kolowski	Morfeld	Walz
Brewer	Friesen	Krist	Murante	Williams
Briese	Groene	Kuehn	Pansing Brooks	Wishart

Voting in the negative, 0.

Present and not voting, 10:

Bolz	Hansen	Kolterman	Quick	Vargas
Crawford	Hilgers	Larson	Scheer	Wayne

Excused and not voting, 4:

Geist            Hughes            Lindstrom            Watermeier

The appointments were confirmed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1477:

Foster Care Review Board  
Timothy Robinson

Voting in the affirmative, 34:

Albrecht	Chambers	Groene	Linehan	Schumacher
Baker	Clements	Halloran	Lowe	Smith
Blood	Craighead	Harr	McDonnell	Stinner
Bostelman	Crawford	Hilkemann	Morfeld	Walz
Brasch	Ebke	Howard	Murante	Williams
Brewer	Erdman	Kolowski	Pansing Brooks	Wishart
Briese	Friesen	Kuehn	Riepe	

Voting in the negative, 0.

Present and not voting, 12:

Bolz	Hughes	Larson	Scheer
Hansen	Kolterman	McCollister	Vargas
Hilgers	Krist	Quick	Wayne

Excused and not voting, 3:

Geist            Lindstrom            Watermeier

The appointment was confirmed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1551:

State Emergency Response Commission  
Steven F. Danon

Voting in the affirmative, 36:

Albrecht	Clements	Harr	McDonnell	Walz
Baker	Craighead	Hilgers	Morfeld	Wayne
Blood	Crawford	Hilkemann	Murante	Williams
Bostelman	Ebke	Howard	Pansing Brooks	Wishart
Brasch	Erdman	Kolowski	Quick	
Brewer	Friesen	Kuehn	Schumacher	
Briese	Halloran	Lowe	Smith	
Chambers	Hansen	McCollister	Stinner	

Voting in the negative, 0.

Present and not voting, 10:

Bolz	Hughes	Krist	Linehan	Scheer
Groene	Kolterman	Larson	Riepe	Vargas

Excused and not voting, 3:

Geist	Lindstrom	Watermeier
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The appointment was confirmed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 333.** ER90, found in this day's Journal, was adopted.

Senator Riepe offered the following amendment:

AM1410

(Amendments to E&R amendments, ER90)

1 1. On page 7, lines 2 and 3, reinstate the stricken matter; and in  
2 line 26 after "funding" insert "the medicaid home and community-based  
3 services waivers".

The Riepe amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 333A.** Senator Riepe offered the following motion:

MO142

Indefinitely postpone.

The Riepe motion to indefinitely postpone prevailed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 496.** Senator Williams offered his amendment, AM1378, found on page 1511.

Senator Friesen offered the following amendment to the Williams amendment:  
AM1414

(Amendments to AM1378)

- 1 1. Insert the following new amendment:
- 2 3. On page 5, lines 12 and 13, strike "first and".
- 3 2. Renumber the remaining amendments accordingly.

Senator Friesen withdrew his amendment.

Senator Friesen offered the following amendment to the Williams amendment:  
AM1413

(Amendments to AM1378)

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 18-2147, Revised Statutes Cumulative Supplement,
- 3 2016, is amended to read:
- 4 18-2147 (1) Any redevelopment plan as originally approved or as
- 5 later modified pursuant to section 18-2117 may contain a provision that
- 6 any ad valorem tax levied upon real property, or any portion thereof, in
- 7 a redevelopment project for the benefit of any public body shall be
- 8 divided, for a period not to exceed fifteen years after the effective
- 9 date as identified in the project redevelopment contract or in the
- 10 resolution of the authority authorizing the issuance of bonds pursuant to
- 11 section 18-2124, as follows:
- 12 (a) That portion of the ad valorem tax which is produced by the levy
- 13 at the rate fixed each year by or for each such public body upon the
- 14 redevelopment project valuation shall be paid into the funds of each such
- 15 public body in the same proportion as are all other taxes collected by or
- 16 for the body. When there is not a redevelopment project valuation on a
- 17 parcel or parcels, the county assessor shall determine the redevelopment
- 18 project valuation based upon the fair market valuation of the parcel or
- 19 parcels as of January 1 of the year prior to the year that the ad valorem
- 20 taxes are to be divided. The county assessor shall provide written notice
- 21 of the redevelopment project valuation to the authority as defined in
- 22 section 18-2103 and the owner. The authority or owner may protest the
- 23 valuation to the county board of equalization within thirty days after
- 24 the date of the valuation notice. All provisions of section 77-1502
- 25 except dates for filing of a protest, the period for hearing protests,
- 1 decision are applicable to any protest filed pursuant to this section.
- 2 The county board of equalization shall decide any protest filed pursuant
- 3 to this section within thirty days after the filing of the protest. The
- 4 county clerk shall mail a copy of the decision made by the county board
- 5 of equalization on protests pursuant to this section to the authority or
- 6 owner within seven days after the board's decision. Any decision of the

7 county board of equalization may be appealed to the Tax Equalization and  
8 Review Commission, in accordance with section 77-5013, within thirty days  
9 after the date of the decision;

10 (b) That portion of the ad valorem tax on real property, as provided  
11 in the redevelopment contract or bond resolution, in the redevelopment  
12 project in excess of such amount, if any, shall be allocated to and, when  
13 collected, paid into a special fund of the authority to be used solely to  
14 pay the principal of, the interest on, and any premiums due in connection  
15 with the bonds of, loans, notes, or advances of money to, or indebtedness  
16 incurred by, whether funded, refunded, assumed, or otherwise, such  
17 authority for financing or refinancing, in whole or in part, the  
18 redevelopment project. When such bonds, loans, notes, advances of money,  
19 or indebtedness, including interest and premiums due, have been paid, the  
20 authority shall so notify the county assessor and county treasurer and  
21 all ad valorem taxes upon taxable real property in such a redevelopment  
22 project shall be paid into the funds of the respective public bodies; and

23 (c) Any interest and penalties due for delinquent taxes shall be  
24 paid into the funds of each public body in the same proportion as are all  
25 other taxes collected by or for the public body.

26 (2) The effective date of a provision dividing ad valorem taxes as  
27 provided in subsection (1) of this section shall not occur until such  
28 time as the real property in the redevelopment project is within the  
29 corporate boundaries of the city. This subsection shall not apply to a  
30 redevelopment project involving a formerly used defense site as  
31 authorized in section 18-2123.01.

1 (3) Beginning August 1, 2006, all notices of the provision for  
2 dividing ad valorem taxes shall be sent by the authority to the county  
3 assessor on forms prescribed by the Property Tax Administrator. The  
4 notice shall be sent to the county assessor on or before August 1 of the  
5 year of the effective date of the provision. Failure to satisfy the  
6 notice requirement of this section shall result in the taxes, for all  
7 taxable years affected by the failure to give notice of the effective  
8 date of the provision, remaining undivided and being paid into the funds  
9 for each public body receiving property taxes generated by the property  
10 in the redevelopment project. However, the redevelopment project  
11 valuation for the remaining division of ad valorem taxes in accordance  
12 with subdivisions (1)(a) and (b) of this section shall be the last  
13 certified valuation for the taxable year prior to the effective date of  
14 the provision to divide the taxes for the remaining portion of the  
15 fifteen-year period pursuant to subsection (1) of this section.

16 (4) If a redevelopment plan includes a redevelopment project for the  
17 construction of workforce housing as defined in section 18-2103, the only  
18 ad valorem taxes that shall be divided pursuant to subsection (1) of this  
19 section shall be the ad valorem taxes of the city or village approving  
20 such redevelopment plan.

21 2. On page 1, line 19, after the period insert "If a redevelopment  
22 project for the construction of workforce housing includes the use of  
23 tax-increment financing, such tax-increment financing shall comply with  
24 subsection (4) of section 18-2147.".

Senator Stinner offered the following motion:

MO148

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

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

Voting in the affirmative, 32:

Baker	Geist	Kolterman	Quick	Watermeier
Blood	Hansen	Krist	Riepe	Wayne
Bolz	Harr	Larson	Scheer	Williams
Briese	Hilkemann	McCollister	Smith	Wishart
Craighead	Howard	McDonnell	Stinner	
Crawford	Hughes	Morfeld	Vargas	
Ebke	Kolowski	Pansing Brooks	Walz	

Voting in the negative, 9:

Brasch	Chambers	Friesen	Hilgers	Lowe
Brewer	Erdman	Groene	Kuehn	

Present and not voting, 7:

Albrecht	Clements	Linehan	Schumacher
Bostelman	Halloran	Murante	

Excused and not voting, 1:

Lindstrom

The Stinner motion to invoke cloture failed with 32 ayes, 9 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

#### **MOTION(S) - Print in Journal**

The Appropriations Committee filed the following motion to LB327:

MO141

Override the Governor's line-item veto in Section 19, Agency 05, the Supreme Court, Program 067, Probation Services.

The Appropriations Committee filed the following motion to LB327:

MO143

Override the Governor's line-item veto in Section 97, Agency 25, Department of Health and Human Services, Program 038, Behavioral Health Aid.

Section 104, Agency 25, Department of Health and Human Services, Program 348, Medical Assistance.

Section 110, Agency 25, Department of Health and Human Services, Program 424, Developmental Disability Aid.

Senator McCollister filed the following motion to LB327:

MO144

Override the Governor's line-item veto in Section 21, Agency 05, the Supreme Court, Program 420, State Specialized Court Operations.

Senator Crawford filed the following motion to LB327:

MO145

Override the Governor's line-item veto in Section 106, Agency 25, Department of Health and Human Services, Program 354, Child Welfare.

Senator Krist filed the following motion to LB327:

MO146

Override the Governor's line-item veto in Section 23, Agency 05, the Supreme Court, Program 437, Juvenile Justice.

Senator Morfeld filed the following motion to LB327:

MO147

Override the Governor's line-item veto in Section 173, Agency 51, University of Nebraska, Program 781, University Administration.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 252.** Introduced by Bolz, 29.

WHEREAS, aging Nebraskans have a variety of unique needs in many areas including health care, housing, long-term care, and transportation; and

WHEREAS, advocacy for issues facing aging Nebraskans has been important in educating the Legislature in the ways that it can find solutions for the issues facing elderly constituents; and

WHEREAS, Mark Intermill has worked to advocate for the interests of aging persons for over 30 years; and

WHEREAS, Mark Intermill has served as the Associate State Director and Advocacy Director for the Nebraska chapter of the American Association of Retired Persons (AARP) since 2001; and

WHEREAS, prior to joining AARP Nebraska, Mark Intermill served as the Administrator of Aging Services at the Nebraska Department of Health and Human Services from 1990 to 2001; and

WHEREAS, Mark Intermill also served as the Director of the Kansas Coalition on Aging from 1985 to 1990; and

WHEREAS, Mark Intermill will be retiring from the AARP on October 31, 2017.



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

1. That the Legislature thanks Mark Intermill for his years of service for aging Nebraskans and wishes him a happy retirement.
2. That a copy of this resolution be sent to Mark Intermill and the AARP Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 253.** Introduced by Stinner, 48.

WHEREAS, James "Jay" Templar has served the City of Gering, its citizens, and the region since 1980 as a volunteer firefighter, and since April 1, 1991, Jay Templar has served as the Fire Chief for the City of Gering; and

WHEREAS, throughout Jay Templar's career as a volunteer firefighter and Fire Chief for the City of Gering, he received training and certification as an Emergency Medical Technician and in managing prescribed wildland fires, strategic and tactical operations management, incident command systems, and hazardous material operations; and

WHEREAS, in 1984, Jay Templar was named outstanding firefighter for the City of Gering Volunteer Fire Department. In 1988, he received the Nebraska Aksarben Firemanship Award. He has also served as President of the Nebraska Fire Chiefs Association; and

WHEREAS, in 1999, Jay Templar was named by Governor Mike Johanns to serve as one of nine members of the Volunteer Service Award Benefit Review Board, charged in legislation with establishing minimum requirements for qualifying as a volunteer firefighter and volunteer rescue squad member pursuant to the Volunteer Emergency Responders Recruitment and Retention Act; and

WHEREAS, Jay Templar was part of a five-member Nebraska Partners in Prevention group that received the 2004 Bronze Smokey Bear Award, presented by the United States Department of Agriculture and the National Association of State Foresters for outstanding wildfire prevention service impacting an entire state over a two-year period; and

WHEREAS, Jay Templar has appeared before the Nebraska Unicameral to testify at committee hearings on behalf of volunteer first responders across Nebraska; and

WHEREAS, Jay Templar has served as a mentor for countless individuals who have chosen careers as volunteer firefighters or volunteer emergency medical responders; and

WHEREAS, Jay Templar will retire as the Fire Chief for the City of Gering in May 2017 after a long and successful career in the fire service.

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

1. That the Legislature recognizes Jay Templar's many years of service to the City of Gering, Scotts Bluff County, and the State of Nebraska, and congratulates him on his retirement.

2. That a copy of this resolution be sent to Jay Templar.

Laid over.

**LEGISLATIVE RESOLUTION 254.** Introduced by Linehan, 39.

WHEREAS, Douglas County West (DC West) Middle School, located in Waterloo, has a noteworthy Robotics Team; and

WHEREAS, the DC West Robotics Team is led by Dan Maline, a 7th grade math, pre-algebra, and algebra teacher; and

WHEREAS, the DC West Robotics Team 5233D (Falcon Mobil) finished their season at the US Open Championship as US Open Champions; and

WHEREAS, the DC West Robotics Team 5233D (Falcon Mobil) received the first official national championship for the DC West Robotics Team; and

WHEREAS, the DC West Robotics Team 8675A (Fuzzy Wuzzy 2.0) finished the season as State Runner-Up in skills and in the team portion of the Heartland Regionals; and

WHEREAS, the DC West Robotics Team 8675A (Fuzzy Wuzzy 2.0) also competed at the US Open Championships and the VEX World Championships; and

WHEREAS, although the DC West Robotics Team 8675A (Fuzzy Wuzzy 2.0) was eliminated in the quarterfinals of the World Championships, Team 8675A was chosen as one of five robotics teams in the USA to be invited to China during the summer of 2017; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature extends its congratulations to Dan Maline and the DC West Robotics Team.

2. That a copy of this resolution be sent to DC West Superintendent, Dr. Melissa Poloncic, DC West Middle School Principal, Jeremy Travis, and DC West Robotics Team Coach, Dan Maline.

Laid over.

**LEGISLATIVE RESOLUTION 255.** Introduced by Linehan, 39; Hilkemann, 4; Kolowski, 31.

WHEREAS, the Elkhorn South boys' soccer team, under the leadership of Coach Adam Hooi, won the 2017 Class B Boys' State Championship; and

WHEREAS, Elkhorn South, ranked first in the Class B division, defeated number-two ranked South Sioux City in double overtime with a score of 3-2; and

WHEREAS, Parker Lundgren, Elkhorn South goalie, finished the game with 13 saves, helping his team to win the championship; and

WHEREAS, Elkhorn South team member Hunter Albers scored his 29th team-leading goal of the season to win the game; and

WHEREAS, although Elkhorn South only started its soccer program in 2011, this was the young program's fourth state tournament; and

WHEREAS, the Elkhorn South boys completed a perfect 20-0 season, becoming the third undefeated Class B boys' soccer team in 21 years; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature extends its congratulations to Coach Adam Hooi and the Elkhorn South boys' soccer team on winning the 2017 Class B Boys' State Soccer Championship.

2. That a copy of this resolution be sent to Elkhorn South High School Principal Mark Kalvoda, Assistant Principal Britnie Cox, and Coach Adam Hooi.

Laid over.

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

Senator Larson filed the following amendment to LB632A:  
AM1407

1 1. On page 2, line 1, strike "\$38,548" and insert "\$33,362"; and in  
2 line 6 strike "\$38,548" and insert "\$25,084".

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 251.** Read. Considered.

LR251 was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 10.** With Emergency Clause.

A BILL FOR AN ACT relating to courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska; to increase the number of judges of the separate juvenile court as prescribed; to provide an operative date; 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, 43:

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

Voting in the negative, 3:

Bostelman Erdman Lowe

Present and not voting, 2:

Morfeld Wayne

Excused and not voting, 1:

Lindstrom

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 10A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 10, One Hundred Fifth Legislature, First Session, 2017; to provide an operative date; 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, 42:

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

Voting in the negative, 1:

Bostelman

Present and not voting, 5:

Erdman          Groene          Lowe          Morfeld          Wayne

Excused and not voting, 1:

Lindstrom

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB268 with 31 ayes, 5 nays, 12 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 268.**

A BILL FOR AN ACT relating to medical assistance; to amend sections 24-517, 25-2154, 30-2483, 30-3880, 30-3881, 30-3882, 33-109, and 44-371, Reissue Revised Statutes of Nebraska, and sections 52-1004, 68-901, 68-919, 71-605, 77-2018.02, and 77-3903, Revised Statutes Cumulative Supplement, 2016; to change and eliminate provisions relating to court jurisdiction, certain recording fees, and medical assistance reimbursement; to change the Medical Assistance Act as prescribed; to harmonize provisions; to provide severability; 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, 37:

Baker	Crawford	Hughes	Murante	Vargas
Blood	Ebke	Kolowski	Pansing Brooks	Walz
Bolz	Groene	Kolterman	Quick	Wayne
Brewer	Hansen	Krist	Riepe	Williams
Briese	Harr	Linehan	Scheer	Wishart
Chambers	Hilgers	McCollister	Schumacher	
Clements	Hilkemann	McDonnell	Smith	
Craighead	Howard	Morfeld	Stinner	

Voting in the negative, 11:

Albrecht	Erdman	Halloran	Lowe
Bostelman	Friesen	Kuehn	Watermeier
Brasch	Geist	Larson	

Excused and not voting, 1:

Lindstrom

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 268A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend section 219, Legislative Bill 327, One Hundred Fifth Legislature, First Session, 2017; to reduce appropriations and associated earmarks; to appropriate funds to aid in carrying out the provisions of Legislative Bill 268, One Hundred Fifth Legislature, First Session, 2017; to change an appropriation as prescribed; to provide an operative date; 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, 35:

Baker	Crawford	Howard	Morfeld	Smith
Blood	Ebke	Hughes	Murante	Stinner
Bolz	Friesen	Kolowski	Pansing Brooks	Vargas
Brewer	Groene	Kolterman	Quick	Walz
Briese	Hansen	Krist	Riepe	Wayne
Chambers	Harr	McCollister	Scheer	Williams
Craighead	Hilkemann	McDonnell	Schumacher	Wishart

Voting in the negative, 10:

Albrecht	Brasch	Geist	Kuehn	Lowe
Bostelman	Erdman	Halloran	Larson	Watermeier

Present and not voting, 3:

Clements	Hilgers	Linehan
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Excused and not voting, 1:

Lindstrom

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB289 with 31 ayes, 2 nays, 15 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 289.**

A BILL FOR AN ACT relating to law; to amend sections 25-2740, 28-101, 28-311.04, 28-358.01, 28-802, 28-830, 28-831, 28-1206, 29-404.02, 29-422, 42-903, 42-924, 42-925, 43-254, 43-283.01, 43-292.02, 43-1303, 43-1411.01, 43-1609, 43-1611, and 43-2933, Reissue Revised Statutes of Nebraska; to provide for sexual assault protection orders; to define and redefine terms; to change provisions relating to court procedures, penalties for stalking, possession of a deadly weapon by a prohibited person, domestic violence protection orders, and certain arrests; to change provisions relating to pandering, human trafficking, labor trafficking, and sex trafficking; to prohibit solicitation of a trafficking victim; to change and provide penalties; to provide a procedure to renew a protection order; to change provisions relating to paternity of a child conceived as a result of sexual assault; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Lindstrom

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 289A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 289, One Hundred Fifth Legislature, First Session, 2017.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Lindstrom

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB512 with 38 ayes, 4 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 512.** With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 79-319, 79-746, 79-1065, 79-10,141, 79-1108.02, 79-1144, 85-173, 85-174, 85-308, 85-917, 85-933, 85-949, 85-2401, 85-2403, and 85-2405, Reissue Revised Statutes of Nebraska, and sections 9-812, 77-3442, 79-237, 79-2,144, 79-1003, 79-1007.11, 79-1017.01, 79-1028.01, 79-1054, and 85-502.01, Revised Statutes Cumulative Supplement, 2016; to adopt the Student Online



Personal Protection Act; to provide requirements for public school districts relating to swimming activities; to eliminate the Education Innovation Fund; to change provisions related to the Nebraska Education Improvement Fund; to provide for voluntary termination incentives; to change exceptions to levy limitations and budget limitations for new voluntary termination incentives; to change provisions relating to option enrollment; to change a deadline for the state school security director; to transfer duties and eliminate the State Board of Vocational Education; to define and redefine terms; to eliminate the best practices allowance and best practices aid; to provide for adjustments of federal funding for school districts; to change provisions relating to grants under the Summer Food Service Program; to provide for repayment of federal funds; to change and eliminate provisions relating to educational institutions ceasing to function; to change residency provisions for veterans and their spouses and dependents and other eligible persons; to provide duties for the Coordinating Commission for Postsecondary Education; to create a fund; to assess for-profit postsecondary institutions; to require bonds or other security agreements; to authorize claims resulting from the termination of operations; to allow for advertising as prescribed; to require a report; to eliminate the Council on Student Attendance; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 79-321, 79-527.01, 79-738, 79-739, 79-740, 79-741, 79-742, 79-743, 79-744, and 85-175, Reissue Revised Statutes of Nebraska, and section 79-1004, Revised Statutes Cumulative Supplement, 2016; 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:

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

Voting in the negative, 0.

Present and not voting, 1:

Albrecht

Excused and not voting, 1:

Lindstrom

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 512A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations and associated earmarks as prescribed; to provide an operative date; 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:

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

Voting in the negative, 0.

Present and not voting, 2:

Albrecht      Howard

Excused and not voting, 1:

Lindstrom

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 519.**

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-652, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to employer experience accounts and reimbursement accounts; 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	Craighead	Hilkemann	McDonnell	Vargas
Baker	Crawford	Howard	Morfeld	Walz
Blood	Ebke	Hughes	Murante	Watermeier
Bolz	Friesen	Kolowski	Pansing Brooks	Wayne
Bostelman	Geist	Kolterman	Quick	Williams
Brasch	Groene	Krist	Riepe	Wishart
Brewer	Halloran	Kuehn	Scheer	
Briese	Hansen	Larson	Schumacher	
Chambers	Harr	Linehan	Smith	
Clements	Hilgers	McCollister	Stinner	

Voting in the negative, 0.

Present and not voting, 2:

Erdman        Lowe

Excused and not voting, 1:

Lindstrom

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

**LEGISLATIVE BILL 578.**

A BILL FOR AN ACT relating to health care; to amend section 68-901, Revised Statutes Cumulative Supplement, 2016; to adopt the Ground Emergency Medical Transport Act; to harmonize provisions; 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	Howard	Morfeld	Walz
Blood	Friesen	Hughes	Murante	Watermeier
Bolz	Geist	Kolowski	Pansing Brooks	Wayne
Bostelman	Groene	Kolterman	Quick	Williams
Brewer	Halloran	Krist	Scheer	Wishart
Briese	Hansen	Larson	Schumacher	
Chambers	Harr	Linehan	Smith	
Craighead	Hilgers	McCollister	Stinner	
Crawford	Hilkemann	McDonnell	Vargas	

Voting in the negative, 0.

Present and not voting, 7:

Albrecht	Clements	Kuehn	Riepe
Brasch	Erdman	Lowe	

Excused and not voting, 1:

Lindstrom

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

#### **LEGISLATIVE BILL 578A.**

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.

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	Howard	Morfeld	Walz
Blood	Friesen	Hughes	Murante	Watermeier
Bolz	Geist	Kolowski	Pansing Brooks	Wayne
Bostelman	Groene	Kolterman	Quick	Williams
Brewer	Halloran	Krist	Scheer	Wishart
Briese	Hansen	Larson	Schumacher	
Chambers	Harr	Linehan	Smith	
Craighead	Hilgers	McCollister	Stinner	
Crawford	Hilkemann	McDonnell	Vargas	

Voting in the negative, 1:

Erdman

Present and not voting, 6:

Albrecht	Clements	Lowe
Brasch	Kuehn	Riepe

Excused and not voting, 1:

Lindstrom

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

**LEGISLATIVE BILL 647.** With Emergency Clause.

A BILL FOR AN ACT relating to judges' salaries; to amend section 24-201.01, Reissue Revised Statutes of Nebraska; to change judges' salaries; to provide an operative date; 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, 42:

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

Voting in the negative, 1:

Groene

Present and not voting, 5:

Chambers	Ebke	Erdman	Howard	Lowe
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Excused and not voting, 1:

Lindstrom

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 LB647A to Select File**

Senator Chambers moved to return LB647A to Select File for the following specific amendment:

FA79

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 647A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 647, One Hundred Fifth Legislature, First Session, 2017; to provide an operative date; 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, 42:

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

Voting in the negative, 1:

Groene

Present and not voting, 2:

Ebke            Krist

Excused and not voting, 4:

Brewer        Lindstrom    Lowe            Watermeier

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 10, 10A, 268, 268A, 289, 289A, 512, 512A, 519, 578, 578A, 647, 647A, and LR251.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 333.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 256.** Introduced by McDonnell, 5.

WHEREAS, the City of Lincoln's Fire and Rescue Department has saved 14 people from death or injury by fire within two months of 2017; and

WHEREAS, Lincoln has not experienced an unusual uptick in the number of fires in 2017, but has experienced more instances where rescue was required; and

WHEREAS, these rescues are thanks to the hard work, bravery, and many hours of training and work by Lincoln's first responders; and

WHEREAS, Lincoln Fire and Rescue stands ready to assist the community whenever the need arises.

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

1. That the Legislature expresses its gratitude to Lincoln Fire and Rescue for their service to the City of Lincoln and its residents.
2. That the Legislature recognizes the dedication and bravery of the members of Lincoln Fire and Rescue.
3. That a copy of this resolution be sent to Lincoln Fire and Rescue and Chief Micheal Despain.

Laid over.

**LEGISLATIVE RESOLUTION 257.** Introduced by Chambers, 11.

WHEREAS, President Donald Trump has behaved, and continues to behave, in a dangerously problematic and erratic manner such that the safety and welfare of the United States and its residents are being placed at ongoing grave risk; and

WHEREAS, the Twenty-Fifth Amendment to the Constitution of the United States provides:

SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

SECTION 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

SECTION 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

SECTION 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

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

1. That the Legislature solemnly petitions the appropriate officials, pursuant to and in conformity with the Twenty-Fifth Amendment to the Constitution of the United States, to invoke the provisions of such Amendment in order to determine whether the actions and conduct of President Donald Trump establish that he is "unable to discharge the powers and duties of his office," and consequently, "the Vice President shall immediately assume the powers and duties of the office as Acting President."

2. That a copy of this resolution be sent to the Vice President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, and each member of Nebraska's congressional delegation.

Laid over.



**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR257 was referred to the Reference Committee.

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

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

Senator Erdman name added to LR242.

**VISITORS**

Visitors to the Chamber were 42 fourth- through sixth-grade students from Dorchester Public School.

**ADJOURNMENT**

At 4:12 p.m., on a motion by Senator Blood, the Legislature adjourned until 9:00 a.m., Wednesday, May 17, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

