

SIXTEENTH DAY - JANUARY 26, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 26, 2018

PRAYER

The prayer was offered by Senator Hilkemann.

ROLL CALL

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

The roll was called and all members were present except Senator Riepe who was excused; and Senators Larson, Morfeld, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

NOTICE OF COMMITTEE HEARING(S)
Business and Labor

Room 2102

Monday, February 5, 2018 1:30 p.m.

LB928
LB952
LB953
LB957
LB1024

Monday, February 12, 2018 1:30 p.m.

LB844
LB916
LB843
LB1014
LB791

Monday, February 26, 2018 1:30 p.m.

LB1096
LB950
LB951
LB991
LB1134
LB1109

(Signed) Joni Albrecht, Chairperson

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB947:

AM1620

- 1 1. On page 3, line 31, strike the second occurrence of "one" and
2 insert "two".
- 3 2. On page 25, line 27; and page 26, lines 1 and 3, strike "one" and
4 insert "two".

Senator Smith filed the following amendment to LB947:

AM1621

- 1 1. On page 15, line 6; and page 21, line 16, strike "6.75" and
2 insert "6.73".

Senator Smith filed the following amendment to LB947:

AM1622

- 1 1. On page 26, lines 16 and 19, strike "five" and insert "six".

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 25, 2018, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Aciz, Joshua
Wolf-PAC
Adler, Joseph
Holland Children's Movement
Amack, Angela K.
Air B&B
Lincoln Police Union
Catalyst Public Affairs
Ash Grove Cement Company
Blue Cross and Blue Shield of Nebraska
Charter Communications, Inc.

Home Instead, Inc.
 Invenergy LLC
 Koch Companies Public Sector, LLC and Affiliates
 KVC Health Systems, Inc.
 Nebraska Families Collaborative
 Nebraska Intergovernmental Risk Management Association
 Nebraska State Historical Society Foundation
 NextEra Energy Resources, LLC
 Papillion - La Vista School District
 Sarpy County Board of Commissioners
 Kotchian, Sarah Ann
 Holland Children's Movement
 Leahy, Ed
 Adapt Pharma, Inc.
 McDermott, Anthony
 Wolf-PAC
 O'Hara Lindsay & Associates, Inc.
 MoneyGram
 Parkinson's Nebraska
 Vandelay Investments, LLC
 Western Union
 Ostrow, Sean
 DraftKings Inc.
 FanDuel, Inc.
 Slattery, David
 Nebraska Hospital Association
 Zulkoski Weber LLC
 Southeast Nebraska Development District

REPORTS

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

SELECT FILE

LEGISLATIVE BILL 668. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 669. Senator Chambers offered the following amendment:

FA93

Strike original provisions and insert:

Sec. 1. The following sections are outright repealed: Sections 23-3801, 23-3802, 23-3803, 23-3804, 23-3805, 23-3806, 23-3807, 23-3808, 23-3809, and 23-3810, Reissue Revised Statutes of Nebraska.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 8:

Chambers	Harr	McDonnell	Wayne
Crawford	Krist	Pansing Brooks	Wishart

Voting in the negative, 27:

Albrecht	Erdman	Hilkemann	Lowe	Thibodeau
Bostelman	Friesen	Hughes	Morfeld	Watermeier
Brasch	Geist	Kolterman	Murante	Williams
Brewer	Halloran	Kuehn	Scheer	
Briese	Hansen	Lindstrom	Smith	
Clements	Hilgers	Linehan	Stinner	

Present and not voting, 11:

Baker	Ebke	McCollister	Vargas
Blood	Howard	Quick	Walz
Bolz	Kolowski	Schumacher	

Excused and not voting, 3:

Groene	Larson	Riepe
--------	--------	-------

The Chambers amendment lost with 8 ayes, 27 nays, 11 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO189

Bracket until April 18, 2018.

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 41:

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

Present and not voting, 5:

Baker	Chambers	Kolowski	Krist	Schumacher
-------	----------	----------	-------	------------

Excused and not voting, 3:

Groene	Larson	Riepe
--------	--------	-------

The Chambers motion to bracket failed with 0 ayes, 41 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 765. Placed on General File.

LEGISLATIVE BILL 854. Placed on General File.

LEGISLATIVE BILL 756. Placed on General File with amendment.

AM1642

1 1. Insert the following new sections:

2 Sec. 2. Section 77-2701, Revised Statutes Supplement, 2017, is

3 amended to read:

4 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, 77-27,235,

5 77-27,236, and 77-27,238 and section 3 of this act shall be known and may

6 be cited as the Nebraska Revenue Act of 1967.

7 Sec. 3. (1) For purposes of this section, online hosting platform

8 means a marketplace connected by computer to one or more other computers

9 or networks, as through a commercial electronic information service or

10 the Internet, through which (a) a seller or hotel operator may rent or

11 furnish any room or rooms, lodgings, or accommodations in a hotel, a

12 motel, an inn, a tourist camp, a tourist cabin, or any other place, (b)

13 such room or rooms, lodgings, or accommodations may be advertised or

14 listed, and (c) a purchaser or occupant may arrange for the occupancy of

15 such room or rooms, lodgings, or accommodations.

16 (2) The Tax Commissioner may enter into an agreement with an online

17 hosting platform to permit the online hosting platform to collect and pay
 18 the applicable sales taxes imposed under the Local Option Revenue Act,
 19 the Nebraska Revenue Act of 1967, the Nebraska Visitors Development Act,
 20 and sections 13-318 to 13-326 and 13-2813 to 13-2816 on behalf of the
 21 seller or hotel operator otherwise required to collect such taxes solely
 22 for transactions consummated between the seller or hotel operator and the
 23 purchaser or occupant through the online hosting platform. Upon entering
 24 into such agreement with the online hosting platform, the Tax
 25 Commissioner shall waive the tax collection responsibility of a seller or
 26 hotel operator for transactions consummated through the online hosting
 27 platform for which the online hosting platform has assumed this
 1 responsibility. The online hosting platform shall give written notice to
 2 each seller or hotel operator which is covered by the agreement between
 3 the online hosting platform and the Tax Commissioner.
 4 (3) Upon entering into an agreement with the Tax Commissioner under
 5 this section, the online hosting platform shall report aggregate
 6 information on the tax return prescribed by the Tax Commissioner,
 7 including an aggregate of gross receipts, exemptions, adjustments, and
 8 taxable receipts of all transactions subject to the agreement.
 9 (4) Taxes payable by an online hosting platform on transactions
 10 subject to the agreement shall be subject to audit only by the Tax
 11 Commissioner at his or her sole discretion. An audit of an online hosting
 12 platform shall be conducted solely on the basis of the tax identification
 13 number associated with each online hosting platform and shall not be
 14 conducted directly or indirectly on any seller, hotel operator,
 15 purchaser, or occupant involved in any such transaction. Any such audit
 16 shall be conducted on the basis of returns and supporting documents filed
 17 by the online hosting platform with the Tax Commissioner. An online
 18 hosting platform shall not be required to disclose any personally
 19 identifiable information relating to any seller, hotel operator,
 20 purchaser, or occupant involved in any such transaction.
 21 Sec. 5. Original section 77-2701, Revised Statutes Supplement,
 22 2017, is repealed.
 23 2. On page 2, after line 22 insert the following new subsection:
 24 "(4) A municipality may adopt or enforce an ordinance or other
 25 regulation that imposes a sales tax or an occupation tax on short-term
 26 rentals if the tax is otherwise permitted by applicable law."; and in
 27 line 23 strike "(4)" and insert "(5)".
 28 3. On page 3, line 2, strike "(5)" and insert "(6)"; and in line 9
 29 strike "(6)" and insert "(7)".
 30 4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 768. Placed on General File with amendment.
AM1586

1 1. Insert the following new section:
 2 Sec. 2. Section 18-2709, Revised Statutes Supplement, 2017, is
 3 amended to read:
 4 18-2709 (1) Qualifying business means any corporation, partnership,
 5 limited liability company, or sole proprietorship which derives its

6 principal source of income from any of the following: The manufacture of
7 articles of commerce; the conduct of research and development; the
8 processing, storage, transport, or sale of goods or commodities which are
9 sold or traded in interstate commerce; the sale of services in interstate
10 commerce; headquarters facilities relating to eligible activities as
11 listed in this section; telecommunications activities, including services
12 providing advanced telecommunications capability; tourism-related
13 activities; or the production of films, including feature, independent,
14 and documentary films, commercials, and television programs.

15 (2) Qualifying business also means:

16 (a) In cities of the first class, cities of the ~~and~~ second class,
17 and villages, a business that derives its principal source of income from
18 the construction or rehabilitation of housing;

19 (b) In cities of the first class, cities of the second class, and
20 villages, a business that derives its principal source of income from
21 quality early childhood care and education programs. For purposes of this
22 subdivision, quality means meeting or exceeding a step three quality
23 rating based on quality rating criteria as provided under the Step Up to
24 Quality Child Care Act;

25 (c) ~~(b)~~ A business that derives its principal source of income from
26 retail trade, except that no more than forty percent of the total revenue
27 generated pursuant to the Local Option Municipal Economic Development Act
1 for an economic development program in any twelve-month period and no
2 more than twenty percent of the total revenue generated pursuant to the
3 act for an economic development program in any five-year period,
4 commencing from the date of municipal approval of an economic development
5 program, shall be used by the city for or devoted to the use of retail
6 trade businesses. For purposes of this subdivision, retail trade means a
7 business which is principally engaged in the sale of goods or commodities
8 to ultimate consumers for their own use or consumption and not for
9 resale; and

10 (d) ~~(c)~~ In cities with a population of two thousand five hundred
11 inhabitants or less as determined by the most recent federal decennial
12 census or the most recent revised certified count by the United States
13 Bureau of the Census, a business shall be a qualifying business even
14 though it derives its principal source of income from activities other
15 than those set out in this section.

16 (3) If a business which would otherwise be a qualifying business
17 employs people and carries on activities in more than one city in
18 Nebraska or will do so at any time during the first year following its
19 application for participation in an economic development program, it
20 shall be a qualifying business only if, in each such city, it maintains
21 employment for the first two years following the date on which such
22 business begins operations in the city as a participant in its economic
23 development program at a level not less than its average employment in
24 such city over the twelve-month period preceding participation.

25 (4) A qualifying business need not be located within the territorial
26 boundaries of the city from which it is or will be receiving financial
27 assistance.

28 (5) Qualifying business does not include a political subdivision, a
 29 state agency, or any other governmental entity, except as allowed for
 30 cities of the first class, cities of the ~~and~~ second class, and villages
 31 for rural infrastructure development as provided for in subsection (4) of
 1 section 18-2705.
 2 2. On page 2, lines 23, 27, and 30, strike "and second class", show
 3 as stricken, and insert "class, cities of the second class".
 4 3. On page 3, line 3, strike "and second class" and insert "class,
 5 cities of the second class"; and in line 12 strike "or village".

LEGISLATIVE BILL 940. Placed on General File with amendment.
 AM1585

1 1. Insert the following new section:
 2 Sec. 2. Section 13-2704.01, Revised Statutes Cumulative Supplement,
 3 2016, is amended to read:
 4 13-2704.01 (1) The department shall use the fund to provide grants
 5 of assistance for the following purposes:
 6 (a) To assist in the construction of new civic centers and
 7 recreation centers or the renovation or expansion of existing civic
 8 centers and recreation centers;
 9 (b) To assist in the conversion, rehabilitation, or reuse of
 10 historic buildings or districts; or
 11 (c) To upgrade community centers, including the demolition of
 12 substandard and abandoned buildings.
 13 (2) Applications for grants of assistance pursuant to this section
 14 shall be evaluated by the department pursuant to section 13-2707.
 15 2. Renumber the remaining sections and correct the repealer
 16 accordingly.

(Signed) Justin Wayne, Chairperson

ANNOUNCEMENT(S)

Senator Brasch announced the Agriculture Committee will meet February 6,
 2018, at 2:00 p.m. instead of 1:30 p.m. in Room 2102.

NOTICE OF COMMITTEE HEARING(S) Government, Military and Veterans Affairs

Room 1507

Friday, February 2, 2018 1:30 p.m.

LB753
 LB1019
 LB1038
 LB1098

(Signed) John Murante, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 5, 2018 1:30 p.m.

Eric Bigler - Motor Vehicle Industry Licensing Board
LB721
LB993
LB994

Tuesday, February 6, 2018 1:30 p.m.

Mick Syslo - Board of Public Roads Classifications and Standards
LB1009

(Signed) Curt Friesen, Chairperson

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to LB1088:
MO188
Rerefer to the Education Committee.

COMMITTEE REPORT(S)

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

John Dilsaver - Environmental Quality Council
Alden Zuhlke - Environmental Quality Council

Aye: 8 Albrecht, Bostelman, Geist, Hughes, Kolowski, McCollister, Quick, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Bradley Bird - Nebraska Ethanol Board

Aye: 8 Albrecht, Bostelman, Geist, Hughes, Kolowski, McCollister, Quick, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

SELECT FILE

LEGISLATIVE BILL 669. Senator Chambers offered the following motion:

MO190

Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 3 nays, and 29 not voting.

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

Voting in the affirmative, 10:

Bolz	Friesen	Howard	Lowe	Pansing Brooks
Chambers	Hansen	Krist	McDonnell	Wayne

Voting in the negative, 29:

Albrecht	Briese	Halloran	Lindstrom	Stinner
Baker	Clements	Hilgers	Linehan	Thibodeau
Blood	Ebke	Hilkemann	McCollister	Walz
Bostelman	Erdman	Hughes	Murante	Watermeier
Brasch	Geist	Kolterman	Scheer	Williams
Brewer	Groene	Kuehn	Smith	

Present and not voting, 7:

Crawford	Morfeld	Schumacher	Wishart
Kolowski	Quick	Vargas	

Excused and not voting, 3:

Harr	Larson	Riepe
------	--------	-------

The Chambers motion to reconsider failed with 10 ayes, 29 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO191

Recommit to the Executive Board.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Chambers withdrew his motion to recommit to the Executive Board.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 36:

Albrecht	Ebke	Kolowski	Murante	Watermeier
Baker	Erdman	Kuehn	Pansing Brooks	Wayne
Blood	Friesen	Lindstrom	Quick	Williams
Bostelman	Geist	Linehan	Scheer	Wishart
Brasch	Halloran	Lowe	Schumacher	
Briese	Hilgers	McCollister	Stinner	
Clements	Hilkemann	McDonnell	Thibodeau	
Crawford	Hughes	Morfeld	Walz	

Voting in the negative, 3:

Bolz	Chambers	Hansen
------	----------	--------

Present and not voting, 4:

Groene	Krist	Smith	Vargas
--------	-------	-------	--------

Excused and not voting, 6:

Brewer	Howard	Larson
Harr	Kolterman	Riepe

Advanced to Enrollment and Review for Engrossment with 36 ayes, 3 nays, 4 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 17. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 146. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 350. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 130. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 304. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 399. ER92, found on page 306, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 135. ER93, found on page 306, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 100. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 177. ER94, found on page 321, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 347. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 160. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 198. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 614. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 96. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 193. ER95, found on page 394, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 105. Senator Schumacher offered the following amendment:

AM1515

- 1 1. On page 2, line 3, before "Each" insert "(1)"; after line 18
- 2 insert the following new subsection:
- 3 "(2) The dollar limitations in this section shall be adjusted by the
- 4 Department of Revenue every fifth year beginning with the year 2023 to
- 5 reflect the cumulative percentage change over the preceding five years in
- 6 the Consumer Price Index for All Urban Consumers, as prepared by the
- 7 United States Department of Labor, Bureau of Labor Statistics."; in line
- 8 21 before "No" insert "(1)"; in line 23, strike "(1)", show as stricken,
- 9 and insert "(a)"; in line 24 strike "(2)", show as stricken, and insert
- 10 "(b)"; in line 25 strike "(3)", show as stricken, and insert "(c)"; and
- 11 in line 31 strike "(4)", show as stricken, and insert "(d)".
- 12 2. On page 3, line 4, after "family" insert an underscored
- 13 semicolon; in line 6 strike "(5)", show as stricken, and insert "(e)"; in
- 14 line 8 strike "(6)" and insert "(f)"; and after line 12 insert the
- 15 following new subsection:
- 16 "(2) The dollar limitations in this section shall be adjusted by the

17 Department of Revenue every fifth year beginning with the year 2023 to
18 reflect the cumulative percentage change over the preceding five years in
19 the Consumer Price Index for All Urban Consumers, as prepared by the
20 United States Department of Labor, Bureau of Labor Statistics."

The Schumacher amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 93. Senator Hansen offered the following amendment:

FA94

Amend AM121

Page 2, line 31, strike "sixty" and insert "one hundred and eighty".

The Hansen amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 377. ER96, found on page 394, was adopted.

Senator Groene offered his amendment, AM1454, found on page 329.

The Groene amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 668. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB596:

AM1500

(Amendments to Standing Committee amendment, AM621)

1 1. Insert the following new amendments:

2 1. Insert the following new sections:

3 Section 1. Section 38-121, Revised Statutes Supplement, 2017, is

4 amended to read:

5 38-121 (1) No individual shall engage in the following practices

6 unless such individual has obtained a credential under the Uniform

7 Credentialing Act:

- 8 (a) Acupuncture;
- 9 (b) Advanced practice nursing;
- 10 (c) Alcohol and drug counseling;
- 11 (d) Asbestos abatement, inspection, project design, and training;
- 12 (e) Athletic training;
- 13 (f) Audiology;
- 14 (g) Speech-language pathology;
- 15 (h) Body art;
- 16 (i) Chiropractic;
- 17 (j) Cosmetology;
- 18 (k) Dentistry;
- 19 (l) Dental hygiene;
- 20 (m) Electrology;
- 21 (n) Emergency medical services;
- 22 (o) Esthetics;
- 23 (p) Funeral directing and embalming;
- 24 (q) Genetic counseling;
- 25 (r) Hearing instrument dispensing and fitting;
- 26 (s) Lead-based paint abatement, inspection, project design, and
1 training;
- 2 (t) Licensed practical nurse-certified until November 1, 2017;
- 3 (u) Massage therapy;
- 4 (v) Medical nutrition therapy;
- 5 (w) Medical radiography;
- 6 (x) Medicine and surgery;
- 7 (y) Mental health practice;
- 8 (z) Nail technology;
- 9 (aa) Nursing;
- 10 (bb) Nursing home administration;
- 11 (cc) Occupational therapy;
- 12 (dd) Optometry;
- 13 (ee) Osteopathy;
- 14 (ff) Perfusion;
- 15 (gg) Pharmacy;
- 16 (hh) Physical therapy;
- 17 (ii) Podiatry;
- 18 (jj) Psychology;
- 19 (kk) Radon detection, measurement, and mitigation;
- 20 (ll) Respiratory care;
- 21 (mm) Surgical assisting;
- 22 (nn) Veterinary medicine and surgery;
- 23 (oo) Public water system operation; and
- 24 (pp) Constructing or decommissioning water wells and installing
25 water well pumps and pumping equipment.
- 26 (2) No individual shall hold himself or herself out as any of the
27 following until such individual has obtained a credential under the
28 Uniform Credentialing Act for that purpose:
- 29 (a) Registered environmental health specialist;
- 30 (b) Certified marriage and family therapist;

- 31 (c) Certified professional counselor;
 1 (d) Social worker; ~~or~~
 2 (e) Dialysis patient care technician; or -
 3 (f) Equine massage practitioner.
 4 (3) No business shall operate for the provision of any of the
 5 following services unless such business has obtained a credential under
 6 the Uniform Credentialing Act:
 7 (a) Body art;
 8 (b) Cosmetology;
 9 (c) Emergency medical services;
 10 (d) Esthetics;
 11 (e) Funeral directing and embalming;
 12 (f) Massage therapy; or
 13 (g) Nail technology.
 14 Sec. 7. (1) The Equine Massage Practitioner Registry is created. Any
 15 person engaged in the practice of equine massage for compensation shall
 16 (a) apply to the department for listing in the registry, (b) submit as
 17 part of the application (i) evidence of receipt of a degree or
 18 certificate in equine massage from a school approved by the department or
 19 with an accreditation recognized by the United States Department of
 20 Education or (ii) until January 1, 2022, two letters of recommendation
 21 from licensed veterinarians attesting to the applicant's competence to
 22 engage in equine massage practice, and (c) pay the applicable fee. A
 23 listing in the registry shall be valid for five years and shall be
 24 eligible to be renewed unless such listing is refused renewal or removed
 25 pursuant to subsection (3) of this section or section 38-178.
 26 (2) The department shall list on the registry the following
 27 information for each applicant who submits a complete application and
 28 pays the applicable fee: (a) The individual's full name; (b) information
 29 necessary to identify and contact the individual; (c) a list of
 30 experience and education related to equine massage practice; and (d) any
 31 other information as the department may require by rule and regulation.
 1 (3) Any person convicted of violating the Livestock Animal Welfare
 2 Act shall be denied registration or renewal of a registration and shall
 3 be removed from the registry, if applicable.
 4 2. On page 2, line 3, strike "section 3" and insert "sections 4 and
 5 7".
 6 3. On page 2, lines 12 and 21; and page 4, line 26, strike "therapy"
 7 and insert "practice".
 8 4. Renumber the remaining sections and correct the repealer
 9 accordingly.

Senator Smith filed the following amendment to LB947:

AM1667

- 1 1. On page 3, line 31, strike the second occurrence of "one" and
 2 insert "two".
 3 2. On page 25, line 27; and page 26, lines 1 and 3, strike "one" and
 4 insert "two".

Senator Smith filed the following amendment to LB947:

AM1669

- 1 1. On page 15, line 6; and page 21, line 16, strike "6.75" and
- 2 insert "6.73".

Senator Smith filed the following amendment to LB947:

AM1671

- 1 1. On page 26, lines 16 and 19, strike "five" and insert "six".

Senator Smith filed the following amendment to LB947:

AM1668

(Amendments to Final Reading copy)

- 1 1. On page 3, line 31, strike the second occurrence of "one" and
- 2 insert "two".
- 3 2. On page 25, line 27; and page 26, lines 1 and 3, strike "one" and
- 4 insert "two".

Senator Smith filed the following amendment to LB947:

AM1670

(Amendments to Final Reading copy)

- 1 1. On page 15, line 6; and page 21, line 16, strike "6.75" and
- 2 insert "6.73".

Senator Smith filed the following amendment to LB947:

AM1672

(Amendments to Final Reading copy)

- 1 1. On page 26, lines 16 and 19, strike "five" and insert "six".

Senator Kolterman filed the following amendment to LB548:

AM1652 is available in the Bill Room.

Senator Crawford filed the following amendment to LB589:

AM1674

- 1 1. Strike original section 1 and insert the following new section:
- 2 Section 1. Section 29-1917, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 29-1917 (1) Except as provided in section 29-1926 and subsection (5)
- 5 of this section, at any time after the filing of an indictment or
- 6 information in a felony prosecution or a petition in a juvenile
- 7 proceeding under subdivision (2) or (3)(a) of section 43-247, the
- 8 prosecuting attorney or the defendant may request the court to allow the
- 9 taking of a deposition of any person other than the defendant who may be
- 10 a witness in the trial of the offense. The court may order the taking of
- 11 the deposition when it finds the testimony of the witness:
- 12 (a) May be material or relevant to the issue to be determined at the
- 13 trial of the offense; or
- 14 (b) May be of assistance to the parties in the preparation of their
- 15 respective cases.
- 16 (2) An order granting the taking of a deposition shall include the

17 time and place for taking such deposition and such other conditions as
18 the court determines to be just.

19 (3) The proceedings in taking the deposition of a witness pursuant
20 to this section and returning it to the court shall be governed in all
21 respects as the taking of depositions in civil cases.

22 (4) A deposition taken pursuant to this section may be used at the
23 trial by any party solely for the purpose of contradicting or impeaching
24 the testimony of the deponent as a witness.

25 (5)(a) When a child eighteen years of age or younger at the time of
26 the motion has, pursuant to section 28-728, undergone a video-recorded
27 forensic interview at a child advocacy center accredited to conduct such
1 interviews, the court may grant a deposition of such child upon a motion
2 by the defendant. In determining whether to approve the taking of a
3 deposition, the court shall consider the availability of the recorded
4 statements of the child.

5 (b) Upon granting a motion to depose a child under the age of
6 eighteen years, the court, on its own motion or by motion of a party,
7 shall issue any protective order that justice requires to protect the
8 child from emotional harm or distress, harassment, undue influence, or
9 intimidation. Such protective order may provide: (i) That the deposition
10 may be taken only on specified terms and conditions, including a
11 designation of the time, place, such as at a child advocacy center, and
12 manner of taking the deposition; (ii) that the scope of the deposition
13 may be limited to certain matters as designated by the court; (iii) that
14 a victim advocate, guardian ad litem, or other support person not a
15 witness to the proceedings shall be present; (iv) that the defendant
16 shall be physically excluded from the deposition but may attend via
17 electronic means as determined by the court; or (v) for any other
18 provision the court determines is justified and appropriate.

19 (c) When issuing a protective order, the court shall consider the
20 age, health, level of intellectual functioning, developmental level, and
21 emotional condition of the child; whether the child has knowledge
22 material to the proof of or defense to any essential element of the
23 crime; whether the child has, pursuant to section 28-728, undergone a
24 video-recorded forensic interview at a child advocacy center accredited
25 to conduct such interviews; and whether the child has provided a full
26 written, taped, or transcribed account of his or her proposed testimony
27 for trial.

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to LB589:
MO187
Indefinitely postpone.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 302. Introduced by Kolterman, 24.

WHEREAS, Seward Public Schools received a 2017 NebraskARTS Award presented by Nebraskans for the Arts; and

WHEREAS, Nebraskans for the Arts annually recognizes select schools and school districts that make notable and worthwhile contributions to the arts and arts education in Nebraska; and

WHEREAS, the award was presented in a special ceremony held in the State Capitol rotunda on October 18, 2017, which included displays of student artwork and performances by students; and

WHEREAS, Seward Public Schools demonstrates a high educational standard and provides all its students the opportunity to enjoy, excel, and learn through the arts; and

WHEREAS, Seward Public Schools provides numerous opportunities for students to improve their craft and share their talent and hard work with stakeholders in the Seward community and surrounding areas; 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, SECOND SESSION:

1. That the Legislature congratulates Seward Public Schools for receiving a 2017 NebraskARTS award.

2. That a copy of this resolution be sent to the superintendent of Seward Public Schools, Dr. Josh Fields, on behalf of the district's students, teachers, staff, and parents.

Laid over.

LEGISLATIVE RESOLUTION 303. Introduced by Albrecht, 17.

WHEREAS, Jon Pickinpaugh received the 2017-18 Milken Educator Award; and

WHEREAS, the Milken Educator Awards publicly recognize teaching excellence to honor educators and to impress upon students and communities the importance of joining the teaching profession; and

WHEREAS, the annual awards, which come with a \$25,000 prize, are widely known as the "Oscars of Teaching"; and

WHEREAS, Mr. Pickinpaugh is one of just forty-four Milken Educator Award recipients for the 2017-18 academic year, and the only honoree from Nebraska; and

WHEREAS, Mr. Pickinpaugh has taught for eight years at South Sioux City Middle School, where he is currently an eighth grade science teacher and wrestling and football coach; and

WHEREAS, Mr. Pickinpaugh has a strategic and creative dedication to boosting Science, Technology, Engineering, and Mathematics (STEM) education through highly interactive lessons for his students; and

WHEREAS, dedicated teachers like Jon Pickinpaugh, along with motivated students, are key to our state's future.

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

1. That the Legislature congratulates Jon Pickinpaugh on receiving a Milken Educator Award.
2. That a copy of this resolution be sent to Jon Pickinpaugh and to the superintendent of the South Sioux City Community Schools, Todd Strom.

Laid over.

ANNOUNCEMENT(S)

The Executive Board designates LB744 as its priority bill.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Pansing Brooks name added to LB211.
Senator Wayne name added to LB299.
Senator Watermeier name added to LB299.
Senator McDonnell name added to LB1001.
Senator Ebke name added to LB1001.
Senator Baker name added to LB1001.
Senator Watermeier name added to LB1001.
Senator Erdman name added to LB1123.
Senator Ebke name added to LB1133.

VISITORS

Visitors to the Chamber were 15 twelfth-grade students and teacher from Cedar Bluffs.

The Doctor of the Day was Dr. Aaron Lanik from Omaha.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Albrecht, the Legislature adjourned until 9:00 a.m., Tuesday, January 30, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

