

**THIRTY-SEVENTH DAY - MARCH 6, 2018****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 6, 2018

**PRAYER**

The prayer was offered by Pastor Raymond Wicks, First Baptist Church, Plattsmouth.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Blood, Kuehn, and Murante who were excused; and Senators Bolz, Hansen, Howard, Krist, Larson, McDonnell, Morfeld, Vargas, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-sixth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 935.** Placed on Select File with amendment.

ER115

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. (1) Notwithstanding sections 77-2711 and 77-27,119, the
- 4 Tax Commissioner shall permit the Director of Economic Development or his
- 5 or her designee to inspect identification information derived from tax
- 6 returns of taxpayers participating in economic development tax incentive
- 7 programs. Return information shall be inspected only on the premises of
- 8 the Department of Revenue. Such inspection shall be only for the purpose
- 9 of identifying taxpayers participating in programs under audit pursuant
- 10 to section 50-1209. The information inspected shall be limited to the
- 11 names, addresses, and identification numbers of participating taxpayers.
- 12 (2) Any tax return information received by the Director of Economic
- 13 Development or his or her designee pursuant to this section shall be
- 14 considered confidential, and any person who discloses such information

15 other than as specifically allowed by this section or other laws of this  
16 state shall be guilty of a Class I misdemeanor.

17 Sec. 2. Section 77-5701, Revised Statutes Cumulative Supplement,  
18 2016, is amended to read:

19 77-5701 Sections 77-5701 to 77-5735 and sections 4 and 5 of this act  
20 shall be known and may be cited as the Nebraska Advantage Act.

21 Sec. 3. Section 77-5723, Revised Statutes Cumulative Supplement,  
22 2016, is amended to read:

23 77-5723 (1) In order to utilize the incentives set forth in the  
24 Nebraska Advantage Act, the taxpayer shall file an application, on a form  
25 developed by the Tax Commissioner, requesting an agreement with the Tax  
26 Commissioner.

27 (2) The application shall contain:

1 (a) A written statement describing the plan of employment and  
2 investment for a qualified business in this state. For applications filed  
3 on and after the effective date of this act, the written statement shall  
4 include the following information with respect to the applicant's  
5 business operations in Nebraska: ÷

6 (i) All federal employer identification numbers associated with the  
7 taxpayer and with the members of the taxpayer's unitary group, if any;

8 (ii) An identification of which federal employer identification  
9 numbers will include new employees;

10 (iii) All unemployment insurance identification numbers associated  
11 with the taxpayer and with the members of the taxpayer's unitary group,  
12 if any; and

13 (iv) An identification of which unemployment insurance  
14 identification numbers will include new employees;

15 (b) Sufficient documents, plans, and specifications as required by  
16 the Tax Commissioner to support the plan and to define a project;

17 (c) If more than one location within this state is involved,  
18 sufficient documentation to show that the employment and investment at  
19 different locations are interdependent parts of the plan. A headquarters  
20 shall be presumed to be interdependent with each other location directly  
21 controlled by such headquarters. A showing that the parts of the plan  
22 would be considered parts of a unitary business for corporate income tax  
23 purposes shall not be sufficient to show interdependence for the purposes  
24 of this subdivision;

25 (d) A nonrefundable application fee of one thousand dollars for a  
26 tier 1 project, two thousand five hundred dollars for a tier 2, tier 3,  
27 or tier 5 project, five thousand dollars for a tier 4 project, and ten  
28 thousand dollars for a tier 6 project. The fee shall be credited to the  
29 Nebraska Incentives Fund; and

30 (e) A timetable showing the expected sales tax refunds and what year  
31 they are expected to be claimed. The timetable shall include both direct  
1 refunds due to investment and credits taken as sales tax refunds as  
2 accurately as possible.

3 The application and all supporting information shall be confidential  
4 except for the name of the taxpayer, the location of the project, the  
5 amounts of increased employment and investment, and the information  
6 required to be reported by sections 77-5731 and 77-5734.

7 (3) An application must be complete to establish the date of the

8 application. An application shall be considered complete once it contains  
9 the items listed in subsection (2) of this section, regardless of the Tax  
10 Commissioner's additional needs pertaining to information or  
11 clarification in order to approve or not approve the application.

12 (4) Once satisfied that the plan in the application defines a  
13 project consistent with the purposes stated in the Nebraska Advantage Act  
14 in one or more qualified business activities within this state, that the  
15 taxpayer and the plan will qualify for benefits under the act, and that  
16 the required levels of employment and investment for the project will be  
17 met prior to the end of the fourth year after the year in which the  
18 application was submitted for a tier 1, tier 3, or tier 6 project or the  
19 end of the sixth year after the year in which the application was  
20 submitted for a tier 2, tier 4, or tier 5 project, the Tax Commissioner  
21 shall approve the application. For a tier 5 project that is sequential to  
22 a tier 2 large data center project, the required level of investment  
23 shall be met prior to the end of the fourth year after the expiration of  
24 the tier 2 large data center project entitlement period relating to  
25 direct sales tax refunds.

26 (5) The Tax Commissioner shall make his or her determination to  
27 approve or not approve an application within one hundred eighty days  
28 after the date of the application. If the Tax Commissioner requests, by  
29 mail or by electronic means, additional information or clarification from  
30 the taxpayer in order to make his or her determination, such one-hundred-  
31 eighty-day period shall be tolled from the time the Tax Commissioner  
1 makes the request to the time he or she receives the requested  
2 information or clarification from the taxpayer. The taxpayer and the Tax  
3 Commissioner may also agree to extend the one-hundred-eighty-day period.  
4 If the Tax Commissioner fails to make his or her determination within the  
5 prescribed one-hundred-eighty-day period, the application shall be deemed  
6 approved.

7 (6) Within one hundred eighty days after approval of the  
8 application, the Tax Commissioner shall prepare and mail a written  
9 agreement to the taxpayer for the taxpayer's signature. The taxpayer and  
10 the Tax Commissioner shall enter into a written agreement. The taxpayer  
11 shall agree to complete the project, and the Tax Commissioner, on behalf  
12 of the State of Nebraska, shall designate the approved plan of the  
13 taxpayer as a project and, in consideration of the taxpayer's agreement,  
14 agree to allow the taxpayer to use the incentives contained in the  
15 Nebraska Advantage Act. The application, and all supporting  
16 documentation, to the extent approved, shall be considered a part of the  
17 agreement. The agreement shall state:

- 18 (a) The levels of employment and investment required by the act for  
19 the project;
- 20 (b) The time period under the act in which the required levels must  
21 be met;
- 22 (c) The documentation the taxpayer will need to supply when claiming  
23 an incentive under the act;
- 24 (d) The date the application was filed; and
- 25 (e) A requirement that the company update the Department of Revenue  
26 annually on any changes in plans or circumstances which affect the  
27 timetable of sales tax refunds as set out in the application. If the

28 company fails to comply with this requirement, the Tax Commissioner may  
29 defer any pending sales tax refunds until the company does comply.

30 (7) The incentives contained in section 77-5725 shall be in lieu of  
31 the tax credits allowed by the Nebraska Advantage Rural Development Act  
1 for any project. In computing credits under the act, any investment or  
2 employment which is eligible for benefits or used in determining benefits  
3 under the Nebraska Advantage Act shall be subtracted from the increases  
4 computed for determining the credits under section 77-27,188. New  
5 investment or employment at a project location that results in the  
6 meeting or maintenance of the employment or investment requirements, the  
7 creation of credits, or refunds of taxes under the Employment and  
8 Investment Growth Act shall not be considered new investment or  
9 employment for purposes of the Nebraska Advantage Act. The use of  
10 carryover credits under the Employment and Investment Growth Act, the  
11 Invest Nebraska Act, the Nebraska Advantage Rural Development Act, or the  
12 Quality Jobs Act shall not preclude investment and employment from being  
13 considered new investment or employment under the Nebraska Advantage Act.  
14 The use of property tax exemptions at the project under the Employment  
15 and Investment Growth Act shall not preclude investment not eligible for  
16 the property tax exemption from being considered new investment under the  
17 Nebraska Advantage Act.

18 (8) A taxpayer and the Tax Commissioner may enter into agreements  
19 for more than one project and may include more than one project in a  
20 single agreement. The projects may be either sequential or concurrent. A  
21 project may involve the same location as another project. No new  
22 employment or new investment shall be included in more than one project  
23 for either the meeting of the employment or investment requirements or  
24 the creation of credits. When projects overlap and the plans do not  
25 clearly specify, then the taxpayer shall specify in which project the  
26 employment or investment belongs.

27 (9) The taxpayer may request that an agreement be modified if the  
28 modification is consistent with the purposes of the act and does not  
29 require a change in the description of the project. An agreement may not  
30 be modified to a tier that would grant a higher level of benefits to the  
31 taxpayer or to a tier 1 project. Once satisfied that the modification to  
1 the agreement is consistent with the purposes stated in the act, the Tax  
2 Commissioner and taxpayer may amend the agreement. For a tier 6 project,  
3 the taxpayer must agree to limit the project to qualified activities  
4 allowable under tier 2 and tier 4.

5 Sec. 4. (1) To facilitate accurate and thorough tax incentive  
6 performance audits under section 50-1209, each taxpayer that has an  
7 active agreement with the Department of Revenue to receive incentives  
8 under the Nebraska Advantage Act shall, beginning in 2019, submit a  
9 report to the Department of Revenue by October 31 of each year. The  
10 report shall include the following information with respect to the  
11 taxpayer's business operations in Nebraska:  
12 (a) All federal employer identification numbers associated with the  
13 taxpayer and with the members of the taxpayer's unitary group, if any;  
14 (b) An identification of which federal employer identification  
15 numbers include new employees;  
16 (c) All unemployment insurance identification numbers associated

17 with the taxpayer and with the members of the taxpayer's unitary group.  
 18 if any.  
 19 (d) An identification of which unemployment insurance identification  
 20 numbers include new employees; and  
 21 (e) The amount of investment that was approved for credits in the  
 22 previous taxable year, identified by asset class as described in Internal  
 23 Revenue Service Publication 946, Tables B-1 and B-2.  
 24 (2) Taxpayers shall continue to submit the report required in  
 25 subsection (1) of this section until three years have passed after the  
 26 end of the last taxable year in which credits may be claimed under the  
 27 Nebraska Advantage Act, except that such reporting requirement shall no  
 28 longer apply if:  
 29 (a) The taxpayer withdraws from participation in the Nebraska  
 30 Advantage Act; or  
 31 (b) The Department of Revenue terminates the taxpayer's  
 1 participation in the Nebraska Advantage Act.  
 2 Sec. 5. To facilitate accurate and thorough tax incentive  
 3 performance audits under section 50-1209, the Department of Revenue shall  
 4 retain all relevant administrative records and data relating to the  
 5 Nebraska Advantage Act for at least twenty years. For purposes of this  
 6 section, administrative records and data include, but are not limited to:  
 7 (1) Tax returns;  
 8 (2) Administrative data bases and spreadsheets;  
 9 (3) Audits; and  
 10 (4) Contracts and agreements.  
 11 Sec. 6. Original sections 77-5701 and 77-5723, Revised Statutes  
 12 Cumulative Supplement, 2016, are repealed.  
 13 2. On page 1, strike beginning with "tax" in line 1 through line 9  
 14 and insert "revenue and taxation; to amend sections 77-5701 and 77-5723,  
 15 Revised Statutes Cumulative Supplement, 2016; to authorize the inspection  
 16 of certain tax return information; to provide a penalty for wrongful  
 17 disclosure of tax return information; to require additional application  
 18 information, the submission of certain reports, and the retention of  
 19 certain records and data under the Nebraska Advantage Act as prescribed;  
 20 to harmonize provisions; and to repeal the original sections."

**LEGISLATIVE BILL 773.** Placed on Select File with amendment.  
 ER113

1 1. On page 1, line 4, strike "message" and insert "communication".

**LEGISLATIVE BILL 685.** Placed on Select File with amendment.  
 ER114

1 1. On page 1, lines 2 and 3, strike "to state findings;"

2 2. On page 3, line 16, strike "and" and show as stricken.

**LEGISLATIVE BILL 913.** Placed on Select File with amendment.  
 ER116

1 1. On page 1, strike beginning with "section" in line 1 through line  
 2 4 and insert "sections 28-929.02 and 28-934, Reissue Revised Statutes of  
 3 Nebraska; to change provisions relating to assault with a bodily fluid  
 4 against a public safety officer; to include a health care professional

5 and harmonize a signage requirement; and to repeal the original 6 sections."

**LEGISLATIVE BILL 104.** Placed on Select File with amendment.

ER118

1 1. In the Standing Committee amendments, AM1464:  
 2 a. On page 2, line 25, after the semicolon insert "and"; and  
 3 b. On page 6, line 6, strike "interest" and insert "interests".  
 4 2. On page 1, strike lines 2 through 6 and insert: "25-2728 and  
 5 30-1601, Reissue Revised Statutes of Nebraska, and section 71-4843,  
 6 Revised Statutes Cumulative Supplement, 2016; to adopt the Health Care  
 7 Surrogacy Act; to provide penalties; to provide for appeals; to change  
 8 provisions relating to anatomical gifts; to harmonize provisions; and to  
 9 repeal the original sections."

**LEGISLATIVE BILL 117.** Placed on Select File with amendment.

ER117

1 1. On page 3, line 30, strike "expense" and insert "expenses".

(Signed) Anna Wishart, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
 Nebraska Retirement Systems

Room 1525

Friday, March 23, 2018 8:00 a.m.

Presentation of the Nebraska Investment Council Annual Report to the  
 Nebraska Retirement Systems Committee pursuant to section 72-1243(2)  
 Presentation of the Nebraska Public Employees Retirement Systems Annual  
 Report to the Nebraska Retirement Systems Committee pursuant to  
 section 84-1503(3)

(Signed) Mark Kolterman, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 44.** Senator Chambers withdrew his amendment, FA64, found on page 1073 and considered on pages 1358 and 1360, First Session, 2017.

Senator Watermeier withdrew his amendment, AM1074, found on page 1071, First Session, 2017.

Senator Watermeier withdrew his amendment, AM1465, found on page 257.

Senator Watermeier offered his amendment, AM1822, found on page 684.

**SENATOR HUGHES PRESIDING**

Senator Chambers offered the following amendment to the Watermeier amendment:

FA113

Amend AM1822

Page 4, strike lines 18-31 and on page 5 strike line 1.

**SPEAKER SCHEER PRESIDING**

Senator Watermeier offered the following motion:

MO240

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Watermeier moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

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

Voting in the affirmative, 35:

Albrecht	Ebke	Hilkemann	Linehan	Stinner
Baker	Erdman	Howard	McCollister	Vargas
Bolz	Friesen	Hughes	McDonnell	Walz
Bostelman	Groene	Kolowski	Morfeld	Watermeier
Brewer	Halloran	Kolterman	Pansing Brooks	Wayne
Briese	Hansen	Krist	Quick	Williams
Crawford	Harr	Lindstrom	Scheer	Wishart

Voting in the negative, 8:

Brasch	Clements	Hilgers	Smith
Chambers	Geist	Low	Thibodeau

Present and not voting, 1:

Schumacher

Excused and not voting, 5:

Blood	Kuehn	Larson	Murante	Riepe
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The Watermeier motion to invoke cloture prevailed with 35 ayes, 8 nays, 1 present and not voting, and 5 excused and not voting.

The Chambers amendment, FA113, lost with 7 ayes, 35 nays, 2 present and not voting, and 5 excused and not voting.

The Watermeier amendment, AM1822, was adopted with 33 ayes, 7 nays, 4 present and not voting, and 5 excused and not voting.

Senator Watermeier requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 34 ayes, 7 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 44A.** Considered.

Pending.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 335.** Introduced by Bostelman, 23.

WHEREAS, on February 15th-17th at the CenturyLink Center in Omaha, five wrestlers from Legislative District 23 won individual championships at the 2018 Nebraska State Wrestling Championships; and

WHEREAS, Melvin Hernandez, from David City High School, as coached by Tahner Thiem, won the individual championship at 145 pounds in Class C; and

WHEREAS, Sam Kolterman, from Wahoo High School, as coached by Darold Foster, won the individual championship at 195 pounds in Class B; and

WHEREAS, Joseph Reimers, from David City Aquinas High School, as coached by Tony Horacek, won the individual championship at 182 pounds in Class C; and

WHEREAS, Seth Styskal, from David City High School, as coached by Tahner Thiem, won the individual championship at 113 pounds in Class C; and

WHEREAS, Jack Sutton, from Wahoo High School, as coached by Darold Foster, won the individual championship at 220 pounds in Class B; and

WHEREAS, these individuals, as well as their coaches and teammates, have worked tirelessly and with great discipline throughout the season; and

WHEREAS, parents, family, friends, and others have supported these individuals throughout their careers; 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 Melvin Hernandez, Sam Kolterman, Joseph Reimers, Seth Styskal, and Jack Sutton for their individual championships and successful seasons.



2. That copies of this resolution be sent to David City Aquinas High School, David City High School, and Wahoo High School.

Laid over.

**LEGISLATIVE RESOLUTION 336.** Introduced by Bostelman, 23.

WHEREAS, the Cedar Bluffs High School Cheer and Dance Team won the 2018 Class C/D Combined Tumbling Division Championship at the Nebraska State Cheer and Dance Competition; and

WHEREAS, the Cedar Bluffs Wildcats scored 75.67 points to take home the first place win; and

WHEREAS, the win represents the second consecutive Class C/D Combined Tumbling state title for the Wildcats; and

WHEREAS, the Cedar Bluffs Cheer and Dance Team also placed fourth in Sideline Cheer and seventh in Jazz Dance; and

WHEREAS, Coach Alli Greene provided the team leadership and guidance to excel at the state competition; 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 the Cedar Bluffs High School Cheer and Dance Team for their outstanding performance at the 2018 Nebraska State Cheer and Dance Competition.

2. That a copy of this resolution be sent to the Cedar Bluffs Cheer and Dance Team and Coach Alli Greene.

Laid over.

**LEGISLATIVE RESOLUTION 337.** Introduced by Bolz, 29; Crawford, 45; Krist, 10; Williams, 36.

WHEREAS, the observance of Developmental Disabilities Awareness Month is designed to increase the public's awareness and understanding of people who have developmental disabilities so that these citizens have increased access to employment, education, housing, and social opportunities; and

WHEREAS, service providers partner with the State of Nebraska to provide vocational, residential, and other services to over 4,500 people with developmental disabilities; and

WHEREAS, individuals with developmental disabilities, their families, friends, neighbors, and coworkers encourage everyone to focus on the abilities of all people; and

WHEREAS, the most effective way to increase this awareness is through everyone's active participation in community activities and the openness to learn and acknowledge each individual's contributions; and

WHEREAS, opportunities for citizens with developmental disabilities to function as independently and productively as possible must be fostered in our community.

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

1. That the Legislature supports and proclaims March 2018 as Developmental Disabilities Awareness Month.

2. That the Legislature recognizes that our communities are stronger when everyone participates and encourages all citizens to support opportunities for individuals with developmental disabilities that include full access to education, housing, employment, and recreational activities.

Laid over.

**LEGISLATIVE RESOLUTION 338.** Introduced by McCollister, 20.

WHEREAS, the Omaha Westside Warriors won the 2018 Class A Girls' State Basketball Championship; and

WHEREAS, the 55-44 victory over the top-seeded Millard South Patriots earned the Warriors their second state title in four years; and

WHEREAS, the Warriors beat Lincoln Pius X 47-41 in the first round, and overpowered the defending state champion, Lincoln Southwest, with a score of 45-40 in the semi-finals; and

WHEREAS, the Warriors brought great pride to their school, their district, their community, their friends and their families as they demonstrated discipline, efficiency and tenacity throughout the basketball season.

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

1. That the Legislature congratulates the Omaha Westside Warriors and Head Coach Steve Clark for winning the 2018 Class A Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the team members and Coach Steve Clark.

Laid over.

#### **NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Thursday, March 22, 2018 12:30 p.m.

Paul Von Behren - Coordinating Commission for Postsecondary Education

Frederik Ohles - Nebraska Educational Telecommunications Commission

Nicholas Baxter - Nebraska Educational Telecommunications Commission

(Signed) Mike Groene, Chairperson

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

Senator Lindstrom filed the following amendment to LB1132:  
AM2159

(Amendments to Standing Committee amendments, AM1971)

- 1 1. Strike section 2 and insert the following new section:
- 2 Sec. 2. Section 29-3523, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 29-3523 (1) After the expiration of the periods described in
- 5 subsection (3) of this section or after the granting of a motion under
- 6 subsection (4) or (5) of this section, a criminal justice agency shall
- 7 respond to a public inquiry in the same manner as if there were no
- 8 criminal history record information and criminal history record
- 9 information shall not be disseminated to any person other than a criminal
- 10 justice agency, except as provided in subsection (2) of this section or
- 11 when the subject of the record:
- 12 (a) Is currently the subject of prosecution or correctional control
- 13 as the result of a separate arrest;
- 14 (b) Is currently an announced candidate for or holder of public
- 15 office;
- 16 (c) Has made a notarized request for the release of such record to a
- 17 specific person; or
- 18 (d) Is kept unidentified, and the record is used for purposes of
- 19 surveying or summarizing individual or collective law enforcement agency
- 20 activity or practices, or the dissemination is requested consisting only
- 21 of release of criminal history record information showing (i) dates of
- 22 arrests, (ii) reasons for arrests, and (iii) the nature of the
- 23 dispositions including, but not limited to, reasons for not prosecuting
- 24 the case or cases.
- 25 (2) That part of criminal history record information described in
- 26 subsection ~~(6)~~ ~~(4)~~ of this section may be disseminated to individuals and
- 1 agencies for the express purpose of research, evaluative, or statistical
- 2 activities pursuant to an agreement with a criminal justice agency that
- 3 specifically authorizes access to the information, limits the use of the
- 4 information to research, evaluative, or statistical activities, and
- 5 ensures the confidentiality and security of the information.
- 6 (3) Except as provided in subsections (1) and (2) of this section,
- 7 in the case of an arrest, citation in lieu of arrest, or referral for
- 8 prosecution without citation, all criminal history record information
- 9 relating to the case shall be removed from the public record as follows:
- 10 (a) When no charges are filed as a result of the determination of
- 11 the prosecuting attorney, the criminal history record information shall
- 12 not be part of the public record after one year from the date of arrest,
- 13 citation in lieu of arrest, or referral for prosecution without citation;
- 14 (b) When charges are not filed as a result of a completed diversion,
- 15 the criminal history record information shall not be part of the public
- 16 record after two years from the date of arrest, citation in lieu of

17 arrest, or referral for prosecution without citation; and  
 18 (c) When charges are filed, but the case is dismissed by the court  
 19 (i) on motion of the prosecuting attorney, (ii) as a result of a hearing  
 20 not the subject of a pending appeal, (iii) after acquittal, or (iv) after  
 21 completion of a program prescribed by a drug court or any other problem  
 22 solving court approved by the Supreme Court, the criminal history record  
 23 information shall not be part of the public record immediately upon  
 24 notification of a criminal justice agency after acquittal pursuant to  
 25 subdivision (3)(c)(iii) of this section or after the entry of an order  
 26 dismissing the case.

27 (4) Upon the granting of a petition to set aside a conviction or  
 28 adjudication pursuant to section 1 of this act, a person who is a victim  
 29 of sex trafficking, as defined in section 1 of this act, may file a  
 30 motion with the sentencing court for an order to seal the criminal  
 31 history record information related to such conviction or adjudication.

1 Upon a finding that a court issued an order setting aside such conviction  
 2 or adjudication pursuant to section 1 of this act, the sentencing court  
 3 shall grant the motion and issue an order as provided in subsection (6)  
 4 of this section.

5 (5) Any person who has received a pardon may file a motion with the  
 6 sentencing court for an order to seal the criminal history record  
 7 information and any cases related to such charges or conviction. Upon a  
 8 finding that the person received a pardon, the court shall grant the  
 9 motion and issue an order as provided in subsection (6) of this section.

10 (6) (4) Upon acquittal, or entry of an order dismissing a case  
 11 described in subdivision (3)(c) of this section, or after granting a  
 12 motion under subsection (4) or (5) of this section, the court shall:

13 (a) Order that all records, including any information or other data  
 14 concerning any proceedings relating to the case, including the arrest,  
 15 taking into custody, petition, complaint, indictment, information, trial,  
 16 hearing, adjudication, correctional supervision, dismissal, or other  
 17 disposition or sentence, are not part of the public record and shall not  
 18 be disseminated to persons other than criminal justice agencies, except  
 19 as provided in subsection (1) or (2) of this section;

20 (b) Send notice of the order (i) to the Nebraska Commission on Law  
 21 Enforcement and Criminal Justice, (ii) to the Nebraska State Patrol, and  
 22 (iii) to law enforcement agencies, county attorneys, and city attorneys  
 23 referenced in the court record;

24 (c) Order all parties notified under subdivision (6)(b) (4)(b) of  
 25 this section to seal all records pertaining to the case; and

26 (d) If the case was transferred from one court to another, send  
 27 notice of the order to seal the record to the transferring court.

28 (7) (5) In any application for employment, bonding, license,  
 29 education, or other right or privilege, any appearance as a witness, or  
 30 any other public inquiry, a person cannot be questioned with respect to  
 31 any offense for which the record is sealed. If an inquiry is made in  
 1 violation of this subsection, the person may respond as if the offense  
 2 never occurred.

3 (8) (6) Any person arrested due to the error of a law enforcement

4 agency may file a petition with the district court for an order to  
5 expunge the criminal history record information related to such error.  
6 The petition shall be filed in the district court of the county in which  
7 the petitioner was arrested. The county attorney shall be named as the  
8 respondent and shall be served with a copy of the petition. The court may  
9 grant the petition and issue an order to expunge such information if the  
10 petitioner shows by clear and convincing evidence that the arrest was due  
11 to error by the arresting law enforcement agency.

12 (9) The changes made to this section by Laws 2016, LB505 shall be  
13 retroactive in application and shall apply to all persons, otherwise  
14 eligible in accordance with the provisions of this section, whether  
15 arrested, cited in lieu of arrest, referred for prosecution without  
16 citation, charged, or convicted prior to, on, or subsequent to the  
17 effective date of this act.

18 (10) The changes made to this section by this legislative bill shall  
19 be retroactive in application and shall apply to all persons, otherwise  
20 eligible in accordance with the provisions of this section, whether  
21 convicted or adjudicated prior to, on, or subsequent to the effective  
22 date of this act.

Senator Larson filed the following amendment to LB1120:  
AM2126

1 1. On page 4, line 7, strike "section of the act", show as stricken,  
2 and insert "provision of the Nebraska Liquor Control Act".

Senator Larson filed the following amendment to LB1120:  
AM2127

(Amendments to Final Reading copy)

1 1. Strike section 1.

Senator Larson filed the following amendment to LB921:  
AM2133

1 1. Strike original section 1.  
2 2. Renumber the remaining sections and correct the repealer  
3 accordingly.

Senator Larson filed the following amendment to LB921:  
AM2135

(Amendments to Final Reading copy)

1 1. Strike original section 1.  
2 2. Renumber the remaining sections and correct the repealer  
3 accordingly.

Senator Smith filed the following amendment to LB44:  
AM2246

(Amendments to AM1822)

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Section 77-2701.13, Reissue Revised Statutes of Nebraska,

4 is amended to read:

5 77-2701.13 (1) Engaged in business in this state means ~~conducting~~  
 6 operations in this state that exceed the level of activity required under  
 7 the commerce clause and due process clause of the United States  
 8 Constitution for a state to enforce collection responsibility on a  
 9 retailer and includes, but is not limited to, any of the following:  
 10 (a) ~~(1)~~ Maintaining, occupying, or using, permanently or  
 11 temporarily, directly or indirectly, or through a subsidiary or agent, by  
 12 whatever name called, an office, place of distribution, sales or sample  
 13 room or place, warehouse, storage place, or other place of business in  
 14 this state;  
 15 (b) ~~(2)~~ Having any representative, agent, salesperson, canvasser, or  
 16 solicitor operating in this state under the authority of the retailer or  
 17 its subsidiary for the purpose of selling, delivering, or taking orders  
 18 for any property;  
 19 (c) ~~(3)~~ Deriving rentals from a lease of property in this state by  
 20 any retailer;  
 21 (d) ~~(4)~~ Soliciting retail sales of property from residents of this  
 22 state on a continuous, regular, or systematic basis by means of  
 23 advertising which is broadcast from or relayed from a transmitter within  
 24 this state or distributed from a location within this state;  
 25 (e) ~~(5)~~ Soliciting or facilitating orders from or sales to residents  
 26 of this state ~~for property by mail~~, if the ~~activities solicitations~~ are  
 1 continuous, regular, seasonal, or systematic ~~or and~~ if the retailer  
 2 benefits from any banking, financing, debt collection, or marketing  
 3 activities occurring in this state or benefits from the location in this  
 4 state of authorized installation, servicing, or repair facilities;  
 5 (f) ~~(6)~~ Being owned or controlled by the same interests which own or  
 6 control any retailer engaged in business in the same or similar line of  
 7 business in this state; or  
 8 (g) ~~(7)~~ Maintaining or having a franchisee or licensee operating  
 9 under the retailer's trade name in this state if the franchisee or  
 10 licensee is required to collect the tax under the Nebraska Revenue Act of  
 11 1967.  
 12 (2) A person who lacks a physical presence in this state and who  
 13 makes, solicits, or facilitates orders from this state of property  
 14 subject to state and local sales or use taxes in this state or who makes,  
 15 solicits, or facilitates retail sales of property subject to state and  
 16 local sales or use taxes in this state shall be deemed to be engaged in  
 17 business in this state if:  
 18 (a) Such person's total retail sales or property subject to state  
 19 and local sales or use taxes in this state exceeded one hundred thousand  
 20 dollars in the previous or current calendar year; or  
 21 (b) Such person made, solicited, or facilitated retail sales subject  
 22 to state and local sales or use taxes in this state in two hundred or  
 23 more separate transactions in the previous or current calendar year.  
 24 (3) The changes made in this section by this legislative bill become  
 25 operative on the first day of the second calendar quarter after a  
 26 controlling United States Supreme Court decision or federal legislation

27 alters the physical presence requirement of Quill Corp. v. North Dakota,  
28 504 U.S. 298 (1992).

29 Sec. 2. Section 77-2701.32, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 77-2701.32 (1) Retailer means any seller.

1 (2) To facilitate the proper administration of the Nebraska Revenue  
2 Act of 1967, the following persons have the duties and responsibilities  
3 of sellers for the purposes of sales and use taxes:

4 (a) Any person in the business of making sales subject to tax under  
5 section 77-2703 at auction of property owned by the person or others;

6 (b) Any person collecting the proceeds of the auction, other than  
7 the owner of the property, together with his or her principal, if any,  
8 when the person collecting the proceeds of the auction is not the  
9 auctioneer or an agent or employee of the auctioneer. The seller does not  
10 include the auctioneer in such case;

11 (c) Every person who has elected to be considered a retailer  
12 pursuant to subdivision (1) of section 77-2701.10;

13 (d) Every person operating, organizing, or promoting a flea market,  
14 craft show, fair, or similar event; ~~and~~

15 (e) Every person engaged in the business of providing any service  
16 defined in subsection (4) of section 77-2701.16; and -

17 (f) Every person making or facilitating sales in or into this state.

18 (3) For the proper administration of the Nebraska Revenue Act of  
19 1967, the following persons do not have the duties and responsibilities  
20 of a seller for purposes of sales and use taxes:

21 (a) Any person who leases or rents films when an admission tax is  
22 charged under the Nebraska Revenue Act of 1967;

23 (b) Any person who leases or rents railroad rolling stock  
24 interchanged pursuant to the provisions of the federal Interstate  
25 Commerce Act;

26 (c) Any person engaged in the business of furnishing rooms in a  
27 facility licensed under the Health Care Facility Licensure Act in which  
28 rooms, lodgings, or accommodations are regularly furnished for a  
29 consideration or a facility operated by an educational institution  
30 established under Chapter 79 or Chapter 85 in which rooms are regularly  
31 used to house students for a consideration for periods in excess of  
1 thirty days; or

2 (d) Any person making sales at a flea market, craft show, fair, or  
3 similar event when such person does not have a sales tax permit and has  
4 arranged to pay sales taxes collected to the person operating,  
5 organizing, or promoting such event.

6 (4) The changes made in this section by this legislative bill become  
7 operative on the first day of the second calendar quarter after a  
8 controlling United States Supreme Court decision or federal legislation  
9 alters the physical presence requirement of Quill Corp. v. North Dakota,  
10 504 U.S. 298 (1992).

11 Sec. 3. Original sections 77-2701.13 and 77-2701.32, Reissue  
12 Revised Statutes of Nebraska, are repealed.

**VISITORS**

Visitors to the Chamber were Liz Boile from Grand Island Public School; Zachary Santorya, Milan Tomovic, Angie, Edward, and Robert Madsen from Serbia; 45 members of the University of Nebraska President's Advisory Council from across the state; Morrill County Attorney, Travis Rodak, from Bridgeport; 50 members of Leadership Kearney; and 30 fourth-grade students from Pershing Elementary, Lexington.

**RECESS**

At 11:59 a.m., on a motion by Senator Bolz, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Blood, Kuehn, Murante, and Thibodeau who were excused; and Senators Hilgers, Morfeld, Pansing Brooks, Smith, and Watermeier who were excused until they arrive.

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

Senator Watermeier filed the following motion to LB44A:  
MO241  
Indefinitely postpone.

**NOTICE OF COMMITTEE HEARING(S)**

Rules

Room 2102

Monday, March 12, 2018 12:00 p.m.

Senator Scheer's proposed rule change

Legislative Journal page 802

Senator Watermeier's proposed rule change

Legislative Journal page 803

(Signed) Mike Hilgers, Chairperson



**SELECT FILE**

**LEGISLATIVE BILL 874.** ER110, found on page 683, was adopted.

Senator Wayne offered his amendment, AM2057, found on page 767.

The Wayne amendment was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 439.** ER111, found on page 727, was adopted.

Senator Wishart offered her amendment, AM2117, found on page 785.

The Wishart amendment was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**SENATOR WILLIAMS PRESIDING**

**LEGISLATIVE BILL 439A.** Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 776.** Senator McCollister renewed his amendment, AM2018, found on page 700.

Senator Groene offered the following motion:

MO242

Bracket until April 18, 2018.

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

Senator McCollister moved for a call of the house. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

The motion to cease debate prevailed with 25 ayes, 3 nays, 11 present and not voting, and 10 excused and not voting.

Senator McCollister requested a record vote on the motion to bracket.

Voting in the affirmative, 5:

Briese          Clements          Erdman          Halloran          Hughes

Voting in the negative, 28:

Baker	Hansen	Krist	Pansing Brooks	Walz
Bolz	Harr	Lindstrom	Quick	Wayne
Chambers	Hilkemann	Linehan	Schumacher	Williams
Crawford	Howard	McCollister	Smith	Wishart
Ebke	Kolowski	McDonnell	Stinner	
Geist	Kolterman	Morfeld	Vargas	

Present and not voting, 7:

Albrecht	Friesen	Larson	Watermeier
Bostelman	Groene	Scheer	

Excused and not voting, 9:

Blood	Brewer	Kuehn	Murante	Thibodeau
Brasch	Hilgers	Low	Riepe	

The Groene motion to bracket failed with 5 ayes, 28 nays, 7 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

### COMMITTEE REPORT(S)

General Affairs

**LEGISLATIVE BILL 921.** Placed on General File with amendment.  
AM1935

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. Section 81-2102, Revised Statutes Supplement, 2017, is

4 amended to read:

5 81-2102 For purposes of the State Electrical Act, unless the context  
6 otherwise requires:

7 (1) Apprentice electrician means any person, other than a licensee,  
8 who, as such person's principal occupation, is engaged in learning and  
9 assisting in the installation, alteration, and repair of electrical  
10 equipment as an employee of a licensee and who is registered with the  
11 board. For purposes of this subdivision, persons who are not engaged in  
12 the installation, alteration, or repair of electrical wiring and  
13 apparatus, either inside or outside buildings, shall not be considered  
14 apprentice electricians;

15 (2) Board means the State Electrical Board;

16 (3) Class A master electrician means a person having the necessary  
17 qualifications, training, experience, and technical knowledge to properly  
18 plan, lay out, and supervise the installation of wiring, apparatus, and

19 equipment for electric light, heat, power, and other purposes and who is  
20 licensed by the board;

21 (4) Class B electrical contractor means a person having the  
22 necessary qualifications, training, experience, and technical knowledge  
23 to properly plan, lay out, install, and supervise the installation of  
24 wiring, apparatus, and equipment for systems of not over four hundred  
25 ampere capacity for light, heat, power, and other purposes in any  
26 structure used and maintained as a residential dwelling but not larger  
27 than a four-family dwelling located in any municipality which has a  
1 population of less than one hundred thousand inhabitants as determined by  
2 the most recent federal decennial census or the most recent revised  
3 certified count by the United States Bureau of the Census and who is  
4 licensed by the board;

5 (5) Class B journeyman electrician means a person having the  
6 necessary qualifications, training, experience, and technical knowledge  
7 to wire for or install electrical wiring, apparatus, and equipment for  
8 systems of not over four hundred ampere capacity for light, heat, power,  
9 and other purposes in any structure used and maintained as a residential  
10 dwelling but not larger than a four-family dwelling located in any  
11 municipality which has a population of less than one hundred thousand  
12 inhabitants as determined by the most recent federal decennial census or  
13 the most recent revised certified count by the United States Bureau of  
14 the Census and who is licensed by the board;

15 (6) Class B master electrician means a person having the necessary  
16 qualifications, training, experience, and technical knowledge to properly  
17 plan, lay out, and supervise the installation of wiring, apparatus, and  
18 equipment for systems of not over four hundred ampere capacity for light,  
19 heat, power, and other purposes in any structure used and maintained as a  
20 residential dwelling but not larger than a four-family dwelling located  
21 in any municipality which has a population of less than one hundred  
22 thousand inhabitants as determined by the most recent federal decennial  
23 census or the most recent revised certified count by the United States  
24 Bureau of the Census and who is licensed by the board;

25 (7) Commercial installation means an installation intended for  
26 commerce, but does not include a residential installation;

27 (8) Electrical contractor means a person having the necessary  
28 qualifications, training, experience, and technical knowledge to properly  
29 plan, lay out, install, and supervise the installation of wiring,  
30 apparatus, and equipment for electric light, heat, power, and other  
31 purposes and who is licensed by the board;

1 (9) Farm installation means any installation that is:

2 (a) Not open to the general public or used for purposes of education  
3 and research; and

4 (b) Used primarily for a bona fide farm purpose, including, but not  
5 limited to, the production or storage of agricultural products or  
6 commodities, including crops, fruits, vegetables, ornamental or flowering  
7 plants, dairy, timber, livestock, poultry, and all other forms of  
8 agricultural products;

9 (10) ~~(9)~~ Fire alarm installer means any person having the necessary

10 qualifications, training, and experience to plan, lay out, and install  
11 electrical wiring, apparatus, and equipment for only those components of  
12 fire alarm systems that operate at fifty volts or less and who is  
13 licensed by the board;

14 (11) ~~(40)~~ Industrial installation means an installation intended for  
15 use in the manufacture or processing of products involving systematic  
16 labor or habitual employment and includes installations in which  
17 agricultural or other products are habitually or customarily processed or  
18 stored for others, either by buying or reselling on a fee basis;

19 (12) ~~(41)~~ Installer means a person who has the necessary  
20 qualifications, training, experience, and technical knowledge to properly  
21 lay out and install electrical wiring, apparatus, and equipment for major  
22 electrical home appliances on the load side of the main service in any  
23 municipality which has a population of less than one hundred thousand  
24 inhabitants as determined by the most recent federal decennial census or  
25 the most recent revised certified count by the United States Bureau of  
26 the Census and who is licensed by the board;

27 (13) ~~(42)~~ Inspector means a person certified as an electrical  
28 inspector upon such reasonable conditions as may be adopted by the board.  
29 The board may permit more than one class of electrical inspector;

30 (14) ~~(43)~~ Journeyman electrician means a person having the necessary  
31 qualifications, training, experience, and technical knowledge to wire for  
1 or install electrical wiring, apparatus, and equipment and to supervise  
2 apprentice electricians and who is licensed by the board;

3 (15) ~~(44)~~ New electrical installation means the installation of  
4 wiring, apparatus, and equipment for electric light, heat, power, and  
5 other purposes;

6 (16) ~~(45)~~ Public-use building or facility means any building or  
7 facility designated for public use;

8 (17) ~~(46)~~ Residential installation means an installation intended  
9 for a single-family or two-family residential dwelling or a multi-family  
10 residential dwelling not larger than three stories in height;

11 (18) ~~(47)~~ Residential journeyman electrician means a person having  
12 the necessary qualifications, training, experience, and technical  
13 knowledge to wire for or install electrical wiring, apparatus, and  
14 equipment for residential installations and to supervise apprentice  
15 electricians and who is licensed by the board;

16 (19) ~~(48)~~ Routine maintenance means the repair or replacement of  
17 existing electrical apparatus and equipment of the same size and type for  
18 which no changes in wiring are made; and

19 (20) ~~(49)~~ Special electrician means a person having the necessary  
20 qualifications, training, and experience in wiring or installing special  
21 classes of electrical wiring, apparatus, equipment, or installations  
22 which shall include irrigation system wiring, well pump wiring, air  
23 conditioning and refrigeration installation, and sign installation and  
24 who is licensed by the board.

25 Sec. 2. Section 81-2113, Revised Statutes Cumulative Supplement,  
26 2016, is amended to read:

27 81-2113 (1) A person may register with the board and pay a fee as

28 provided in section 81-2118 to work as an apprentice electrician. Such  
29 registration shall entitle the registrant to act as an apprentice  
30 electrician to a Class B electrical contractor, an electrical contractor,  
31 a Class B journeyman electrician, a journeyman electrician, a residential  
1 journeyman electrician, a Class A master electrician, or a Class B master  
2 electrician as provided in subsection (2) of this section. At the time of  
3 registration renewal, an apprentice shall present documentary evidence of  
4 successful completion of the requisite hours of continuing education  
5 courses under section 81-2117.01 and pay the fee for renewal provided by  
6 section 81-2118. If an applicant for renewal fails to complete the  
7 required hours and submit the evidence to the board, the board shall  
8 assess up to a six-month increase of required experience necessary for  
9 the applicant to qualify for the examination under section 81-2115.

10 (2) An apprentice electrician shall do no electrical wiring except  
11 under the direct personal on-the-job supervision and control and in the  
12 immediate presence of a licensee under the State Electrical Act. Such  
13 supervision shall include both on-the-job training and related classroom  
14 training as approved by the board. Except as provided in subsection (4)  
15 of this section, the The licensee may employ or supervise apprentice  
16 electricians at a ratio not to exceed three apprentice electricians to  
17 one licensee, except that such ratio and the other requirements of this  
18 section shall not be applicable to a teacher-student relationship within  
19 a classroom of a community college.

20 For purposes of this section, the direct personal on-the-job  
21 supervision and control and in the immediate presence of a licensee shall  
22 mean the licensee and the apprentice electrician shall be working at the  
23 same project location but shall not require that the licensee and  
24 apprentice electrician must be within sight of one another at all times.

25 (3) An apprentice electrician shall not install, alter, or repair  
26 electrical equipment except as provided in this section, and the licensee  
27 employing or supervising an apprentice electrician shall not authorize or  
28 permit such actions by the apprentice electrician.

29 (4) For the purpose of constructing a farm installation not  
30 otherwise exempt under subdivision (5) of section 81-2121, a licensee may  
31 employ or supervise apprentice electricians at the ratio permissible  
1 under subsection (2) of this section, except that a licensee may employ  
2 or supervise apprentice electricians at a ratio not to exceed five  
3 apprentice electricians to one licensee when such apprentice electricians  
4 are engaged in installing conduit runs or pulling wire.

5 Sec. 3. Section 81-2121, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 81-2121 Nothing in the State Electrical Act shall be construed to:

8 (1) Require employees of municipal corporations, public power  
9 districts, public power and irrigation districts, electric membership or  
10 cooperative associations, public utility corporations, railroads,  
11 telephone or telegraph companies, or commercial or industrial companies  
12 performing manufacturing, installation, and repair work for such employer  
13 to hold licenses while acting within the scope of their employment;

14 (2) Require any person doing work for which a license would

15 otherwise be required under the act to hold a license issued under the  
 16 act if he or she is the holder of a valid license issued by any city or  
 17 other political subdivision, so long as he or she makes electrical  
 18 installations only in the jurisdictional limits of such city or political  
 19 subdivision and such license issued by the city or political subdivision  
 20 meets the requirements of the act;  
 21 (3) Cover the installation, maintenance, repair, or alteration of  
 22 vertical transportation or passenger conveyors, elevators, moving walks,  
 23 dumbwaiters, stagelifts, manlifts, or appurtenances thereto beyond the  
 24 terminals of the controllers. The licensing of elevator contractors or  
 25 constructors shall not be considered a part of the licensing requirements  
 26 of the act;  
 27 (4) Require a license of any person who engages any electrical  
 28 appliance where approved electrical outlets are already installed;  
 29 (5) Prohibit an owner of property from performing work on his or her  
 30 principal residence, if such residence is not larger than a single-family  
 31 dwelling, or farm property, excluding commercial or industrial  
 1 installations or installations in public-use buildings or facilities, or  
 2 require such owner to be licensed under the act;  
 3 (6) Require that any person be a member of a labor union in order to  
 4 be licensed; ~~or~~  
 5 (7) Prohibit a pump installation contractor or pump installation  
 6 supervisor credentialed under the Water Well Standards and Contractors'  
 7 Practice Act from wiring pumps and pumping equipment at a water well  
 8 location to the first control; or -  
 9 (8) Require a license for any person engaged in general labor,  
 10 including, but not limited to, digging trenches or unloading, hauling, or  
 11 moving electrical wiring or wiring components.  
 12 Sec. 4. Original section 81-2121, Reissue Revised Statutes of  
 13 Nebraska, section 81-2113, Revised Statutes Cumulative Supplement, 2016,  
 14 and section 81-2102, Revised Statutes Supplement, 2017, are repealed.

(Signed) Tyson Larson, Chairperson

Health and Human Services

**LEGISLATIVE BILL 1044.** Placed on General File.

**LEGISLATIVE BILL 1127.** Placed on General File.

**LEGISLATIVE BILL 903.** Placed on General File with amendment.  
 AM2215 is available in the Bill Room.

(Signed) Merv Riepe, Chairperson

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

Senator Smith filed the following amendment to LB44:

AM2253

(Amendments to Final Reading copy)

1 1. Strike section 1.

**COMMITTEE REPORT(S)**

Health and Human Services

The Health and Human Services 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.

Michael Aerni - Foster Care Advisory Committee  
Noelle Petersen - Foster Care Advisory Committee

Aye: 7 Crawford, Erdman, Howard, Kolterman, Linehan, Riepe, Williams.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Merv Riepe, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 776.** Senator Groene offered the following motion:

MO243

Reconsider the vote taken to bracket.

Pending.

**LEGISLATIVE BILL 596.** Committee AM621, found on page 971, First Session, 2017, and considered on page 828, was renewed.

**SPEAKER SCHEER PRESIDING**

Senator Chambers offered his motion, MO239, found on page 829, to bracket until April 4, 2018.

Pending.

**LEGISLATIVE BILL 379.** Title read. Considered.

Committee AM1452, found on page 655, was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

**COMMITTEE REPORT(S)**

Nebraska Retirement Systems

**LEGISLATIVE BILL 1005.** Placed on General File with amendment.  
AM2204 is available in the Bill Room.

(Signed) Mark Kolterman, Chairperson

**VISITORS**

Visitors to the Chamber were 29 fourth-grade students, teachers, and sponsors from Perkins County Elementary, Grant; Senator Hughes' granddaughter and daughter, Brenna and Ashley Colglazier, from Grant; 30 fourth-grade students from Pershing Elementary, Lexington; and 150 students, alumni, and supporters of the University of Nebraska from across the state.

The Doctor of the Day was Dr. Alisa Nollendorfs from Lincoln.

**ADJOURNMENT**

At 4:45 p.m., on a motion by Senator Ebke, the Legislature adjourned until 9:00 a.m., Wednesday, March 7, 2018.

Patrick J. O'Donnell  
Clerk of the Legislature