

**SEVENTH DAY - JANUARY 11, 2018**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIFTH LEGISLATURE**  
**SECOND SESSION**

**SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 11, 2018

**PRAYER**

The prayer was offered by Senator Williams.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Bostelman, Chambers, Hilkemann, Kolowski, Krist, Larson, McDonnell, and Smith who were excused; and Senators Bolz and Linehan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB944	Appropriations
LB945	Appropriations
LB946	Appropriations
LB947	Revenue
LB948	Government, Military and Veterans Affairs
LB949	Banking, Commerce and Insurance
LB950	Business and Labor
LB951	Business and Labor
LB952	Business and Labor
LB953	Business and Labor
LB954	Revenue
LB955	Judiciary
LB956	Health and Human Services
LB957	Business and Labor
LB958	Health and Human Services
LB959	Government, Military and Veterans Affairs

LB960 Government, Military and Veterans Affairs  
 LB961 Revenue  
 LB962 Revenue  
 LB963 Revenue  
 LB964 Judiciary  
 LB965 Revenue  
 LB966 Revenue  
 LB967 Urban Affairs  
 LB968 Health and Human Services  
 LB969 Government, Military and Veterans Affairs  
 LB970 Judiciary  
 LB971 Judiciary  
 LB972 Judiciary  
 LB973 Executive Board  
 LB974 Executive Board  
 LB975 Executive Board  
 LB976 Revenue  
 LB977 Judiciary  
 LB978 Judiciary  
 LB979 Health and Human Services  
 LB980 Transportation and Telecommunications  
 LB981 Judiciary

(Signed) Dan Watermeier, Chairperson  
 Executive Board

#### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 10, 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

Bass, Deborah I.  
   Nebraska Health Information Initiative, Inc.  
 Christiansen, Kim E.  
   Nebraska Rural Electric Association  
 Coburn, Tom  
   Convention of States Action  
 Dukesherer, James  
   Nebraska Rural Electric Association  
 Gay, Tim  
   Catalyst Public Affairs  
 Jacobs, Tanishia  
   Lincoln Education Association  
 Kissel Kohout ES Associates, LLC  
   Copart

Enbridge (U.S.) Inc. (Formerly Spectra Energy)  
 Kaplan Higher and Professional Education c/o David Adams  
 Kurowski, Robert  
   Tesla, Inc.  
 McCabe, Lisa  
   CTIA - The Wireless Association  
 Meckler, Mark  
   Convention of States Action  
 O'Hara Lindsay & Associates, Inc.  
   City of Hastings  
   City of Kearney  
   City of Lexington  
 Pappas, James E.  
   Independent Cattlemen of Nebraska (ICON)  
 Reece, Kaitlin  
   Catalyst Public Affairs  
 Schneider, David  
   Convention of States Action  
 Schuler, James  
   ACTWireless  
 Sedlacek, Ronald J.  
   Catalyst Public Affairs  
 Spady, Robin  
   Nebraska Municipal Power Pool  
 Witt, Daniel  
   Tesla, Inc.

### 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>

### AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB548:  
 AM1506 is available in the Bill Room.

### NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 2102

Tuesday, January 23, 2018 1:30 p.m.

LB764  
 LB808

(Signed) Lydia Brasch, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 347.** Title read. Considered.

Committee AM16, found on page 461, First Session, 2017, was adopted with 36 ayes, 0 nays, 2 present and not voting, and 11 excused and not voting.

Senator Geist offered her amendment, AM1513, found on page 219.

The Geist amendment was adopted with 35 ayes, 0 nays, 3 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 1 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 160.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 198.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 39.** Title read. Considered.

Committee AM133, found on page 473, First Session, 2017, was offered.

Senator Schumacher offered the following amendment to the committee amendment:

FA88

Amend AM133

Insert the word "knowingly" immediately before the word purchase in line 14, page 1.

The Schumacher amendment was adopted with 25 ayes, 5 nays, 9 present and not voting, and 10 excused and not voting.

Senator Harr moved for a call of the house. The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The committee amendment, as amended, lost with 20 ayes, 14 nays, 6 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Harr offered the following motion:

MO167

Reconsider the vote taken on AM133.

The Harr motion to reconsider prevailed with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Committee AM133, found on page 473, First Session, 2017, and considered in this day's Journal, as amended, was reconsidered.

The committee amendment, as amended, was adopted with 25 ayes, 7 nays, 8 present and not voting, and 9 excused and not voting.

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

Senator Harr requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 19:

Baker	Ebke	McCollister	Schumacher	Wayne
Blood	Hansen	Morfeld	Stinner	Williams
Bolz	Harr	Pansing Brooks	Vargas	Wishart
Crawford	Howard	Quick	Walz	

Voting in the negative, 9:

Albrecht	Briese	Erdman	Groene	Thibodeau
Brewer	Clements	Friesen	Riepe	

Present and not voting, 12:

Brasch	Hilgers	Lindstrom	Murante
Geist	Kolterman	Linehan	Scheer
Halloran	Kuehn	Lowe	Watermeier

Excused and not voting, 9:

Bostelman	Hilkemann	Kolowski	Larson	Smith
Chambers	Hughes	Krist	McDonnell	

Failed to advance to Enrollment and Review Initial with 19 ayes, 9 nays, 12 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 982.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to age of majority; to amend section 43-2101, Reissue Revised Statutes of Nebraska; to provide for persons eighteen years of age and older to consent to mental health services as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 983.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-4205, Reissue Revised Statutes of Nebraska; to change provisions relating to audiovisual court appearances; and to repeal the original section.

**LEGISLATIVE BILL 984.** Introduced by Quick, 35.

A BILL FOR AN ACT relating to the Nebraska Lottery and Raffle Act; to amend sections 9-426 and 9-427, Reissue Revised Statutes of Nebraska; to change provisions relating to the validity and issuance of special permits; to change the gross-proceed percentage for the awarding of prizes in a lottery or raffle; and to repeal the original sections.

**LEGISLATIVE BILL 985.** Introduced by Howard, 9; Crawford, 45; Hansen, 26; Krist, 10; Morfeld, 46; Pansing Brooks, 28; Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-972, Revised Statutes Cumulative Supplement, 2016; to provide for state funding of prenatal care as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 986.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to municipalities; to amend sections 19-4030 and 19-5313, Revised Statutes Supplement, 2017; to adopt the Neighborhood Improvement District Act; to change provisions relating to special assessments for a business improvement district or riverfront development district as prescribed; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 987.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to finance; to adopt the Uniform Regulation of Virtual-Currency Businesses Act; to provide for licensing and registration; and to provide severability.

**LEGISLATIVE BILL 988.** Introduced by Pansing Brooks, 28; Howard, 9; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to sexual assault; to amend section 28-318, Reissue Revised Statutes of Nebraska; to define a term; to adopt an affirmative consent standard; to eliminate obsolete terms; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 989.** Introduced by Wishart, 27.

A BILL FOR AN ACT relating to transportation; to authorize the testing of autonomous vehicles by a city of the primary class on its roadways; to provide powers and duties for the Department of Transportation; to define terms; and to provide for termination.

**LEGISLATIVE BILL 990.** Introduced by Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1351 and 28-1354, Reissue Revised Statutes of Nebraska, and sections 28-101 and 28-1201, Revised Statutes Supplement, 2017; to create the offense of possession of a firearm by a prohibited juvenile offender and provide a process to reinstate the right to possess a firearm by such an offender; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 991.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to education; to amend sections 85-1539 and 85-1540, Reissue Revised Statutes of Nebraska, and sections 48-622.02 and 48-622.03, Revised Statutes Supplement, 2017; to create the Nebraska Integrated Education and Training Grant Program; to state findings; to define terms; to authorize grants; to require policy recommendations; to require reporting; to transfer money from the Nebraska Training and Support Cash Fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 992.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend sections 76-1401 and 76-1410, Reissue Revised Statutes of Nebraska, and section 76-1431, Revised Statutes Cumulative Supplement, 2016; to define terms; to change provisions relating to landlords' and tenants' rights and duties regarding violent criminal activity upon a premises; to provide for termination and eviction of perpetrators of domestic violence; to provide for the release of a victim of domestic violence from a lease; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 993.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the 911 Service System Act; to amend sections 86-1001, 86-1004, 86-1025, 86-1026, and 86-1028, Revised

Statutes Cumulative Supplement, 2016; to define a term; to create the 911 Service System Advisory Committee; to change and provide duties for the Public Service Commission; to change provisions relating to use of the 911 Service System Fund; to provide authority for access to federal and other funds; to provide immunity to certain service providers and the Public Service Commission as prescribed; to eliminate a termination date; to harmonize provisions; to repeal the original sections; to outright repeal section 86-1030, Revised Statutes Cumulative Supplement, 2016; and to declare an emergency.

**LEGISLATIVE BILL 994.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to telecommunications and technology; to amend section 86-324, Revised Statutes Supplement, 2017; to state legislative findings and intent relating to rural broadband telecommunications service; to create the Rural Broadband Study Task Force; to provide for reports; to change powers of the Public Service Commission relating to the Nebraska Telecommunications Universal Service Fund; to define a term; to provide for implementation and operation of a reverse auction program and establishment of a complaint registry by the Public Service Commission as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 995.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1499.03, Reissue Revised Statutes of Nebraska, and section 49-1493, Revised Statutes Cumulative Supplement, 2016; to provide requirements for candidates for and holders of elective offices in school districts; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 996.** Introduced by Crawford, 45; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5714 and 77-5719.01, Reissue Revised Statutes of Nebraska, sections 77-5709 and 77-5727, Revised Statutes Cumulative Supplement, 2016, and sections 77-5725, 77-5726, and 77-5735, Revised Statutes Supplement, 2017; to redefine terms; to change the Nebraska Advantage Act as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 997.** Introduced by Murante, 49; Erdman, 47.

A BILL FOR AN ACT relating to political subdivisions; to define a term; and to provide limits on certain salaries and benefits as prescribed.

**LEGISLATIVE BILL 998.** Introduced by Walz, 15; Hansen, 26; Howard, 9; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Stinner, 48; Vargas, 7; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to the Educational Service Units Act; to



amend section 79-1201, Reissue Revised Statutes of Nebraska; to state findings; to create the Collaborative School Behavioral and Mental Health Program; to provide powers and duties; to create a fund; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 999.** Introduced by Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend sections 79-256, 79-265, 79-266, 79-267, 79-268, 79-269, 79-271, 79-272, 79-276, 79-278, 79-282, 79-283, and 79-287, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to intent, suspension, expulsion, reassignment, discipline, and hearings; to harmonize provisions; and to repeal the original sections.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 105.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Appropriations

Room 1524

Monday, January 22, 2018 1:30 p.m.

Budget bills scheduled at this time for official record purposes. Testimony on the overall budget is appropriate, however testimony on specific issues and/or agencies should be presented at the date scheduled for the relevant agency.

LB944

LB945

LB946

(Signed) John Stinner, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 279.** Introduced by Quick, 35; Baker, 30; Briese, 41; Erdman, 47; Friesen, 34; Groene, 42; Halloran, 33; Hughes, 44; McDonnell, 5; Pansing Brooks, 28; Schumacher, 22; Williams, 36.

WHEREAS, on Thursday, January 12, 1888, a sudden fierce blizzard swept across Nebraska without warning; and

WHEREAS, temperatures that day started out unseasonably warm, and then fell to between 30 and 40 degrees below zero as hurricane-like winds caused blinding whiteouts during a storm that lasted for twelve to eighteen hours; and

WHEREAS, the storm is sometimes called the School Children's Blizzard, as it caught many children away from home; and

WHEREAS, many acts of bravery were performed by parents, teachers, and children themselves; and

WHEREAS, the story of the nineteen-year-old teacher, Minnie Freeman, has come to symbolize the courage shown that day; and

WHEREAS, Minnie linked her thirteen students together with twine and led them through the storm to safety after wind tore the roof off the sod schoolhouse where she was teaching about six miles south of Ord; and

WHEREAS, Minnie Freeman's fortitude was recorded in the popular Victorian parlor song, "Thirteen were Saved, or Nebraska's Fearless Maid," and is symbolized in a mosaic mural near the ceiling of the Great Hall in the State Capitol; and

WHEREAS, January 12, 2018, is the 130-year anniversary of the Great Blizzard of 1888.

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

1. That the Legislature commemorates the 130-year anniversary of the Great Blizzard of 1888 and the heroism of Minnie Freeman and other Nebraskans on that fateful day.

Laid over.

**LEGISLATIVE RESOLUTION 280.** Introduced by Stinner, 48.

WHEREAS, Kent Greenwalt has been awarded the Star-Herald 2017 Citizen of the Year Award in recognition of his lifelong efforts to look out for the welfare of those in his community; and

WHEREAS, Mr. Greenwalt earned this award with his leadership, years of devotion and service in his community, his volunteer efforts, and his work ethic; and

WHEREAS, Mr. Greenwalt is the current Mayor of Terrytown; and

WHEREAS, Mayor Greenwalt is highly respected in his community and a wonderful mentor to many people.

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

1. That the Legislature congratulates Mayor Kent Greenwalt for receiving the Star-Herald 2017 Citizen of the Year Award.

2. That a copy of this resolution be sent to Mr. Greenwalt.

Laid over.

**LEGISLATIVE RESOLUTION 281CA.** Introduced by Morfeld, 46.

THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2018 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 31 to Article I:

I-31 (1) Affordable health care is a right forever preserved for the people of Nebraska subject to reasonable restrictions as prescribed by law.

(2) The Legislature shall provide health insurance under the medical assistance program to adults under the age of sixty-five years with incomes under one hundred thirty-three percent of the federal poverty level in accordance with section 1902(a)(10)(A)(i)(VIII) of the federal Social Security Act, as amended, 42 U.S.C. 1396a(a)(10)(A)(i)(VIII).

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to state that affordable health care is a right and to expand eligibility under the medical assistance program to adults under the age of sixty-five years with incomes under one hundred thirty-three percent of the federal poverty level in accordance with section 1902(a)(10)(A)(i)(VIII) of the federal Social Security Act, as amended, 42 U.S.C. 1396a(a)(10)(A)(i)(VIII).

For

Against.

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

Senator Hansen filed the following amendment to LB258:  
AM1534

1 1. On page 2, line 20, strike "2018" and insert "2020".

Senator Friesen filed the following amendment to LB310:  
AM1135

1 1. Insert the following new section:

2 Sec. 3. Section 60-6,383, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4 60-6,383 (1) An implement of husbandry being operated on any highway  
5 of this state, except the National System of Interstate and Defense  
6 Highways, shall be exempt from the weight and load limitations of  
7 subsections (2), (3), and (4) of section 60-6,294 but shall be subject to  
8 any ordinances or resolutions enacted by local authorities pursuant to  
9 section 60-681.

10 (2) An implement of husbandry being operated on any highway of this  
11 state shall not cross any bridge ~~or culvert~~ if the vehicle axle, axle  
12 groupings, or gross weight exceeds the limits established in subsections  
13 (2), (3), and (4) of section 60-6,294 or weight limits established by  
14 bridge postings.

15 (3) For purposes of this section, an implement of husbandry includes  
16 (a) a farm tractor with or without a towed farm implement, (b) a self-  
17 propelled farm implement, (c) self-propelled equipment designed and used  
18 exclusively to carry and apply fertilizer, chemicals, or related products  
19 to agricultural soil or crops, (d) an agricultural floater-spreader  
20 implement as defined in section 60-303, (e) a fertilizer spreader, nurse  
21 tank, or truck permanently mounted with a spreader used for spreading or  
22 injecting water, dust, or liquid fertilizers or agricultural chemicals,

23 (f) a truck mounted with a spreader used or manufactured to spread or  
24 inject animal manure, and (g) a mixer-feed truck owned and used by a  
25 livestock-raising operation designed for and used for the feeding of  
26 livestock.

27 2. Renumber the remaining section and correct the repealer  
1 accordingly.

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

Senator Kolterman filed the following motion:

Suspend the rules, Rule 5, Section 15(a), to permit the introduction of a new bill, Req. 3736.

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

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

Senator Hilkemann name added to LB690.

Senator Geist name added to LB925.

#### **ANNOUNCEMENT**

The Chair announced the birthday of Senator Crawford.

#### **VISITORS**

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

#### **ADJOURNMENT**

At 11:48 a.m., on a motion by Senator Quick, the Legislature adjourned until 10:00 a.m., Tuesday, January 16, 2018.

Patrick J. O'Donnell  
Clerk of the Legislature