

**FORTY-NINTH DAY - MARCH 17, 2017****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION****FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 17, 2017

**PRAYER**

The prayer was offered by Senator Craighead.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Krist presiding.

The roll was called and all members were present except Senator Baker who was excused; and Senators Friesen, Kolowski, McDonnell, Watermeier, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-eighth day was approved.

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

Senator Murante filed the following amendment to LB340:  
AM287

1 1. On page 11, strike line 8, show as stricken, and insert "4001 to  
2 5000 40".

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 73.** Introduced by Brewer, 43.

WHEREAS, the Mullen High School boys' basketball team won the 2017 Class D-2 Boys' State Basketball Championship; and

WHEREAS, the Broncos had a record of 27-2 during the 2017 regular season; and

WHEREAS, the Broncos showed skill, talent, and determination in winning in the final ten seconds with a score of 29-28 against the Mead Raiders; and

WHEREAS, Coach Rusty Moore recorded his 200th career win; and

WHEREAS, Coach Moore and his coaching staff have served as mentors and leaders for all of the members of the team; and

WHEREAS, this is the first boys' basketball state championship win for Mullen High School in the ninety-four-year history of the school; and

WHEREAS, the Mullen Bronco is a most honorable and distinguished mascot; and

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

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

1. That the Legislature congratulates the Mullen High School boys' basketball team on winning their first state championship and commends Coach Rusty Moore for his efforts in teaching, coaching, and providing guidance.

2. That a copy of this resolution be sent to the Broncos and Coach Rusty Moore.

Laid over.

### 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>

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 16, 2017, 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

Block, Kristi

Nebraska Grain and Feed Association

Forbes, Jennifer

People for the Ethical Treatment of Animals, Inc.

Griffith, Stephen

Nebraskans For Alternatives to the Death Penalty

Jess, Fields

Texas Public Policy Foundation (Withdrawn 03/13/2017)

Mahlman, Dale

Nebraska Medical Association

O'Hara Lindsay & Associates, Inc.

The Willa Cather Foundation

Ragland, Jina

Nebraska Medical Association

Williams, David

Taxpayers Protection Alliance

**MOTION - Adopt Permanent Rules**

Senator Krist withdrew his amendment, found on page 477 and considered on page 479, to Rule 7, Sec. 10, to the Brewer proposed rule change.

Senator Brewer withdrew his proposed rule change, found on page 476, to Rule 7, Sec. 10.

Senator Scheer moved that the rules in our possession on January 4, 2017, be adopted as the permanent rules for the 2017 calendar year.

The Scheer motion to adopt permanent rules prevailed with 38 ayes, 2 nays, 3 present and not voting, and 6 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 46.** Senator Chambers renewed his amendment, FA7, found on page 359 and considered on page 731.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Hansen

Voting in the negative, 32:

Albrecht	Craighead	Hughes	McCollister	Watermeier
Blood	Ebke	Kolterman	Murante	Wayne
Bostelman	Erdman	Kuehn	Riepe	Williams
Brasch	Geist	Larson	Scheer	Wishart
Brewer	Halloran	Lindstrom	Smith	
Briese	Hilgers	Linehan	Stinner	
Clements	Hilkemann	Lowe	Walz	

Present and not voting, 10:

Bolz	Crawford	Krist	Pansing Brooks	Schumacher
Chambers	Howard	Morfeld	Quick	Vargas

Excused and not voting, 6:

Baker	Groene	Kolowski
Friesen	Harr	McDonnell

The Chambers amendment lost with 1 aye, 32 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO58

Reconsider the vote taken on FA7.

Senator Chambers asked unanimous consent to withdraw his motion, MO58, to reconsider. No objections. So ordered.

Senator Chambers offered his amendment, FA8, found on page 359.

Senator Watermeier offered the following motion:

MO59

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Watermeier moved for a call of the house. The motion prevailed with 44 ayes, 0 nays, and 5 not voting.

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

Voting in the affirmative, 35:

Albrecht	Clements	Groene	Kuehn	Quick
Blood	Craighead	Halloran	Larson	Riepe
Bolz	Crawford	Harr	Lindstrom	Scheer
Bostelman	Ebke	Hilgers	Linehan	Smith
Brasch	Erdman	Hilkemann	Lowe	Stinner
Brewer	Friesen	Hughes	McDonnell	Watermeier
Briese	Geist	Kolterman	Murante	Williams

Voting in the negative, 8:

Chambers	Kolowski	McCollister	Pansing Brooks
Hansen	Krist	Morfeld	Wishart

Present and not voting, 5:

Howard	Schumacher	Vargas	Walz	Wayne
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Excused and not voting, 1:

Baker

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

The Chambers amendment, FA8, lost with 4 ayes, 36 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

**LEGISLATIVE BILL 46A.** Senator Chambers offered the following amendment:

FA45

Page 2, line 1, strike and show as stricken "\$9,631" and insert "\$9,630".

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 4 nays, and 29 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 30:

Albrecht	Clements	Halloran	Lindstrom	Smith
Blood	Craighead	Hilgers	Linehan	Stinner
Bostelman	Ebke	Hilkemann	Lowe	Watermeier
Brasch	Erdman	Hughes	McDonnell	Wayne
Brewer	Friesen	Kolterman	Riepe	Williams
Briese	Geist	Kuehn	Scheer	Wishart

Present and not voting, 15:

Bolz	Hansen	Kolowski	Morfeld	Schumacher
Chambers	Harr	Krist	Pansing Brooks	Vargas
Crawford	Howard	McCollister	Quick	Walz

Excused and not voting, 4:

Baker	Groene	Larson	Murante
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The Chambers amendment lost with 0 ayes, 30 nays, 15 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA46

Page 2, line 1, strike and show as stricken "\$9,631" and insert "\$9,630".

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 4 nays, and 29 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 29:

Albrecht	Clements	Halloran	Linehan	Stinner
Blood	Craighead	Hilkemann	Lowe	Watermeier
Bostelman	Ebke	Hughes	McDonnell	Wayne
Brasch	Erdman	Kolterman	Riepe	Williams
Brewer	Friesen	Kuehn	Scheer	Wishart
Briese	Geist	Lindstrom	Smith	

Present and not voting, 15:

Bolz	Hansen	Kolowski	Morfeld	Schumacher
Chambers	Harr	Krist	Pansing Brooks	Vargas
Crawford	Howard	McCollister	Quick	Walz

Excused and not voting, 5:

Baker	Groene	Hilgers	Larson	Murante
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The Chambers amendment lost with 0 ayes, 29 nays, 15 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO61

Reconsider the vote taken on FA46.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 5 nays, and 25 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 32:

Albrecht	Craighead	Hansen	Lowe	Watermeier
Bolz	Crawford	Hilkemann	McDonnell	Wayne
Bostelman	Erdman	Hughes	Quick	Williams
Brasch	Friesen	Kolterman	Riepe	Wishart
Brewer	Geist	Kuehn	Scheer	
Briese	Groene	Lindstrom	Smith	
Clements	Halloran	Linehan	Vargas	

Present and not voting, 7:

Howard	Krist	Pansing Brooks	Walz
Kolowski	McCollister	Schumacher	

Excused and not voting, 9:

Baker	Ebke	Hilgers	Morfeld	Stinner
Blood	Harr	Larson	Murante	

The Chambers motion to reconsider failed with 1 aye, 32 nays, 7 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 133.** Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 34.** Placed on General File.

**LEGISLATIVE BILL 68.** Placed on General File with amendment. AM630 is available in the Bill Room.

**LEGISLATIVE BILL 127.** Placed on General File with amendment. AM646

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 84-1411, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 84-1411 (1)(a)(i) ~~(1)~~ Each public body shall give reasonable
- 6 advance publicized notice of the time and place of each meeting by a
- 7 ~~method designated by each public body and recorded in its minutes.~~ Such

8 notice shall be transmitted to all members of the public body and to the  
9 public.

10 (ii) In the case of a public body described in subdivision (1)(a)(i)  
11 of section 84-1409 or such body's advisory committee, such notice shall  
12 be published in a newspaper of general circulation within the public  
13 body's jurisdiction and, if available, in a digital advertisement on such  
14 newspaper's web site. Such notice may also be provided by any other  
15 appropriate method designated by the public body or such advisory  
16 committee.

17 (iii) In the case of any other public body, such notice shall be  
18 given by a method designated by the public body.

19 (b) The public body shall record the methods and dates of such  
20 notice in its minutes.

21 (c) Such notice shall contain an agenda of subjects known at the  
22 time of the publicized notice or a statement that the agenda, which shall  
23 be kept continually current, shall be readily available for public  
24 inspection at the principal office of the public body during normal  
25 business hours. Agenda items shall be sufficiently descriptive to give  
26 the public reasonable notice of the matters to be considered at the  
27 meeting. Except for items of an emergency nature, the agenda shall not be  
1 altered later than (i) ~~(a)~~ twenty-four hours before the scheduled  
2 commencement of the meeting or (ii) ~~(b)~~ forty-eight hours before the  
3 scheduled commencement of a meeting of a city council or village board  
4 scheduled outside the corporate limits of the municipality. The public  
5 body shall have the right to modify the agenda to include items of an  
6 emergency nature only at such public meeting.

7 (2) A meeting of a state agency, state board, state commission,  
8 state council, or state committee, of an advisory committee of any such  
9 state entity, of an organization created under the Interlocal Cooperation  
10 Act, the Joint Public Agency Act, or the Municipal Cooperative Financing  
11 Act, of the governing body of a public power district having a chartered  
12 territory of more than one county in this state, of the governing body of  
13 a public power and irrigation district having a chartered territory of  
14 more than one county in this state, of a board of an educational service  
15 unit, of the Educational Service Unit Coordinating Council, of the  
16 governing body of a risk management pool or its advisory committees  
17 organized in accordance with the Intergovernmental Risk Management Act,  
18 or of a community college board of governors may be held by means of  
19 videoconferencing or, in the case of the Judicial Resources Commission in  
20 those cases specified in section 24-1204, by telephone conference, if:

21 (a) Reasonable advance publicized notice is given as provided in  
22 subsection (1) of this section;

23 (b) Reasonable arrangements are made to accommodate the public's  
24 right to attend, hear, and speak at the meeting, including seating,  
25 recordation by audio or visual recording devices, and a reasonable  
26 opportunity for input such as public comment or questions to at least the  
27 same extent as would be provided if videoconferencing or telephone  
28 conferencing was not used;

29 (c) At least one copy of all documents being considered is available



30 to the public at each site of the videoconference or telephone  
31 conference;

1 (d) At least one member of the state entity, advisory committee,  
2 board, council, or governing body is present at each site of the  
3 videoconference or telephone conference; and

4 (e) No more than one-half of the state entity's, advisory  
5 committee's, board's, council's, or governing body's meetings in a  
6 calendar year are held by videoconference or telephone conference.

7 Videoconferencing, telephone conferencing, or conferencing by other  
8 electronic communication shall not be used to circumvent any of the  
9 public government purposes established in the Open Meetings Act.

10 (3) A meeting of a board of an educational service unit, of the  
11 Educational Service Unit Coordinating Council, of the governing body of  
12 an entity formed under the Interlocal Cooperation Act, the Joint Public  
13 Agency Act, or the Municipal Cooperative Financing Act, of the governing  
14 body of a risk management pool or its advisory committees organized in  
15 accordance with the Intergovernmental Risk Management Act, of a community  
16 college board of governors, of the governing body of a public power  
17 district, or of the governing body of a public power and irrigation  
18 district may be held by telephone conference call if:

19 (a) The territory represented by the educational service unit,  
20 member educational service units, community college board of governors,  
21 public power district, public power and irrigation district, or member  
22 public agencies of the entity or pool covers more than one county;

23 (b) Reasonable advance publicized notice is given as provided in  
24 subsection (1) of this section which identifies each telephone conference  
25 location at which an educational service unit board member, a council  
26 member, a member of a community college board of governors, a member of  
27 the governing body of a public power district, a member of the governing  
28 body of a public power and irrigation district, or a member of the  
29 entity's or pool's governing body will be present;

30 (c) All telephone conference meeting sites identified in the notice  
31 are located within public buildings used by members of the educational  
1 service unit board, council, community college board of governors,  
2 governing body of the public power district, governing body of the public  
3 power and irrigation district, or entity or pool or at a place which will  
4 accommodate the anticipated audience;

5 (d) Reasonable arrangements are made to accommodate the public's  
6 right to attend, hear, and speak at the meeting, including seating,  
7 recordation by audio recording devices, and a reasonable opportunity for  
8 input such as public comment or questions to at least the same extent as  
9 would be provided if a telephone conference call was not used;

10 (e) At least one copy of all documents being considered is available  
11 to the public at each site of the telephone conference call;

12 (f) At least one member of the educational service unit board,  
13 council, community college board of governors, governing body of the  
14 public power district, governing body of the public power and irrigation  
15 district, or governing body of the entity or pool is present at each site  
16 of the telephone conference call identified in the public notice;

17 (g) The telephone conference call lasts no more than two hours; and  
 18 (h) No more than one-half of the board's, council's, governing  
 19 body's, entity's, or pool's meetings in a calendar year are held by  
 20 telephone conference call, except that a governing body of a risk  
 21 management pool that meets at least quarterly and the advisory committees  
 22 of the governing body may each hold more than one-half of its meetings by  
 23 telephone conference call if the governing body's quarterly meetings are  
 24 not held by telephone conference call or videoconferencing.  
 25 Nothing in this subsection shall prevent the participation of  
 26 consultants, members of the press, and other nonmembers of the governing  
 27 body at sites not identified in the public notice. Telephone conference  
 28 calls, emails, faxes, or other electronic communication shall not be used  
 29 to circumvent any of the public government purposes established in the  
 30 Open Meetings Act.

31 (4) The secretary or other designee of each public body shall  
 1 maintain a list of the news media requesting notification of meetings and  
 2 shall make reasonable efforts to provide advance notification to them of  
 3 the time and place of each meeting and the subjects to be discussed at  
 4 that meeting.

5 (5) When it is necessary to hold an emergency meeting without  
 6 reasonable advance public notice, the nature of the emergency shall be  
 7 stated in the minutes and any formal action taken in such meeting shall  
 8 pertain only to the emergency. Such emergency meetings may be held by  
 9 means of electronic or telecommunication equipment. The provisions of  
 10 subsection (4) of this section shall be complied with in conducting  
 11 emergency meetings. Complete minutes of such emergency meetings  
 12 specifying the nature of the emergency and any formal action taken at the  
 13 meeting shall be made available to the public by no later than the end of  
 14 the next regular business day.

15 (6) A public body may allow a member of the public or any other  
 16 witness other than a member of the public body to appear before the  
 17 public body by means of video or telecommunications equipment.  
 18 Sec. 2. Original section 84-1411, Reissue Revised Statutes of  
 19 Nebraska, is repealed.

**LEGISLATIVE BILL 432.** Placed on General File with amendment.  
 AM289

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 13-508, Revised Statutes Cumulative Supplement,  
 4 2016, is amended to read:  
 5 13-508 (1) After publication and hearing thereon and within the time  
 6 prescribed by law, each governing body, except as provided in subsection  
 7 (3) of this section, shall file with and certify to the levying board or  
 8 boards on or before September 20 of each year or September 20 of the  
 9 final year of a biennial period and file with the auditor a copy of the  
 10 adopted budget statement which complies with sections 13-518 to 13-522 or  
 11 79-1023 to 79-1030, together with the amount of the tax required to fund  
 12 the adopted budget, setting out separately (a) the amount to be levied

13 for the payment of principal or interest on bonds issued by the governing  
14 body and (b) the amount to be levied for all other purposes. Proof of  
15 publication shall be attached to the statements. For fiscal years prior  
16 to fiscal year 2017-18, learning communities shall also file a copy of  
17 such adopted budget statement with member school districts on or before  
18 September 1 of each year. If the prime rate published by the Federal  
19 Reserve Board is ten percent or more at the time of the filing and  
20 certification required under this subsection, the ~~The~~ governing body, in  
21 certifying the amount required, may make allowance for delinquent taxes  
22 not exceeding five percent of the amount required plus the actual  
23 percentage of delinquent taxes for the preceding tax year or biennial  
24 period and for the amount of estimated tax loss from any pending or  
25 anticipated litigation which involves taxation and in which tax  
26 collections have been or can be withheld or escrowed by court order. For  
27 purposes of this section, anticipated litigation shall be limited to the  
1 anticipation of an action being filed by a taxpayer who or which filed a  
2 similar action for the preceding year or biennial period which is still  
3 pending. Except for such allowances, a governing body shall not certify  
4 an amount of tax more than one percent greater or lesser than the amount  
5 determined under section 13-505.

6 (2) Each governing body shall use the certified taxable values as  
7 provided by the county assessor pursuant to section 13-509 for the  
8 current year in setting or certifying the levy. Each governing body may  
9 designate one of its members to perform any duty or responsibility  
10 required of such body by this section.

11 (3)(a) A Class I school district shall do the filing and  
12 certification required by subsection (1) of this section on or before  
13 August 1 of each year.

14 (b) For fiscal years prior to fiscal year 2017-18, learning  
15 communities shall do such filing and certification on or before September  
16 1 of each year.

17 Sec. 2. This act becomes operative on July 1, 2017.

18 Sec. 3. Original section 13-508, Revised Statutes Cumulative  
19 Supplement, 2016, is repealed.

20 Sec. 4. Since an emergency exists, this act takes effect when  
21 passed and approved according to law.

**LEGISLATIVE BILL 479.** Placed on General File with amendment.  
AM35

1 1. On page 4, line 9, strike "on a separate day" and insert  
2 "separately"; strike beginning with "No" in line 22 through "after" in  
3 line 23; and in line 23 reinstate the stricken "After".

(Signed) John Murante, Chairperson

## 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.

Brian Buhlke - Nebraska Rural Health Advisory Commission  
 April Dexter - Nebraska Rural Health Advisory Commission  
 Martin Fattig - Nebraska Rural Health Advisory Commission  
 Jessye Goertz - Nebraska Rural Health Advisory Commission  
 Benjamin R. Iske - Nebraska Rural Health Advisory Commission

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

(Signed) Merv Riepe, Chairperson

#### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Metzler, Michael - Nebraska Power Review Board - Natural Resources  
 Moen, Greg - Nebraska Power Review Board - Natural Resources

(Signed) Dan Watermeier, Chairperson  
 Executive Board

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

Senator Brasch filed the following amendment to LB155:  
 AM676

1 1. On page 2, line 4, strike "Nebraska" and insert "public"; in line  
 2 11 after "from" insert "a public"; and strike beginning with the first  
 3 comma in line 15 through "requirements" in line 17.

Senator Brasch filed the following amendment to LB308:  
 AM675

1 1. On page 4, line 1, strike "United State Constitution", show as  
 2 stricken, and insert "Declaration of Independence, the United States  
 3 Constitution"; and strike beginning with "Lincoln's" in line 9 through  
 4 "day" in line 11, show as stricken, and insert "George Washington's  
 5 birthday, Abraham Lincoln's birthday, Dr. Martin Luther King, Jr.'s  
 6 birthday, Flag Day, Memorial Day, Veterans Day, and Thanksgiving Day, or  
 7 on the day or week".

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 74.** Introduced by Howard, 9; Wayne, 13.

WHEREAS, the National Consumer Advisory Board is a private research organization dedicated to providing consumers information about the finest dental professionals in the United states; and

WHEREAS, the National Consumer Advisory Board recognizes America's Best Dentists based on experience, training, continuing education, and commitment to excellence; and

WHEREAS, Dr. William Steiner, D.D.S., has been honored for his outstanding care, superior skill, exceptional knowledge, and commitment to excellence by being named one of America's Best Dentists in 2016 by the National Consumer Advisory Board.

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

1. That the Legislature congratulates Dr. William Steiner, D.D.S., on being honored as one of America's Best Dentists in 2016 by the National Consumer Advisory Board.
2. That a copy of this resolution be sent to Dr. William Steiner.

Laid over.

**VISITOR(S)**

Visitors to the Chamber were Mary Barry Magsamen from St. Monica's Behavioral Health Services for Women; Senator McDonnell's nephews Carter and Wyatt Carmichael; and 100 fourth-grade students from Reeder Elementary, Gretna.

The Doctor of the Day was Dr. David Hoelting from Pender.

**ADJOURNMENT**

At 12:05 p.m., on a motion by Senator McDonnell, the Legislature adjourned until 9:00 a.m., Monday, March 20, 2017.

Patrick J. O'Donnell  
Clerk of the Legislature

